

A DANGEROUS CLASS OF MEN, WITHOUT DIRECT INTEREST IN SLAVERY:
PROSLAVERY CONCERN ABOUT SOUTHERN NONSLAVEHOLDERS
IN THE LATE ANTEBELLUM ERA

PT. I

by
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Abstract

In the decade before the Civil War, proslavery southerners became preoccupied with the nonslaveholding whites in their region. As high prices restricted entry to the master class, many proslavery men worried that nonslaveholders' frustrated aspirations and simmering resentments would make them receptive to the free-soil ideas of the Republican party. Proslavery ideologues maintained that only a direct interest in slavery, through ownership, ensured that an individual would support the institution. This dissertation examines the ways in which southerners expressed their fears about nonslaveholders and it explores how those concerns were manifested in public policy. The most significant conclusion is that distrust of nonslaveholders was an integral part of the rationale for secession from the Union.

Proslavery southerners unambiguously demonstrated their belief in the primacy of direct interest by calling for legislation to diffuse slaveholding among a larger percentage of the white population. They proposed the exemption of a limited amount of slaves from liability for debt as a way to induce slaveless whites to purchase bondsmen. Until now, this important measure has been neglected by historians who have focused on the campaign to renew the African slave trade as an example of the effort to increase the proportion of slaveholders.

In 1859, southerners revealed their distrust of nonslaveholders by attacking Republican support for *The Impending Crisis of the South*. Written by a North Carolina native, the book told nonslaveholders that their interests were harmed by slavery and it called on them to abolish it through nonviolent political action. Southern congressmen criticized Republicans for attempting to proselytize nonslaveholders and many slave states enhanced their prohibition of "incendiary" literature. This controversy showed the importance that proslavery men placed on preventing the unmediated circulation of abolitionist thought among nonslaveholders.

During the 1860 election and the secession crisis, proslavery ideologues claimed Lincoln would use patronage and free expression to build a southern branch of the Republican party. In

addition, secessionists directed propaganda at nonslaveholders, to win their support for disunion. The concerns proslavery southerners expressed about class conflict at that juncture were entirely consistent with their statements and actions of the preceding decade.

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List of Abbreviations

ADAH	Alabama Department of Archives and History, Montgomery, Alabama
LC	Library of Congress, Washington, DC
LSU	Louisiana and Lower Mississippi Valley Collections, LSU Libraries, Baton Rouge, Louisiana
LVA	Library of Virginia, Richmond, Virginia
MDAH	Mississippi Department of Archives and History, Jackson, Mississippi
NA	National Archives and Records Administration, National Archives Building, Washington, DC
NCDAH	North Carolina State Archives, Raleigh, North Carolina
SCDAH	South Carolina Department of Archives and History, Columbia, South Carolina
SCL	South Caroliniana Library, University of South Carolina, Columbia, South Carolina
SHC	Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill, Chapel Hill, North Carolina
TSLA	Tennessee State Library and Archives, Nashville, Tennessee
VHS	Virginia Historical Society, Richmond, Virginia
WVC	West Virginia and Regional History Collection, West Virginia University Libraries, Morgantown, West Virginia
HB	House Bill
SB	Senate Bill

Introduction

Several weeks after the 1860 presidential election, a Virginia editor warned that Abraham Lincoln would use the power of the executive branch to weaken slavery without committing any “palpable violation” of the Constitution. “The close of his reign,” the secessionist editor asserted, “will find the patriotism and intelligence of the South numbed and paralyzed by the presence of a powerful anti-slavery sentiment in the minds of immense numbers of non-slaveholders.”¹ That prediction expressed the concerns of immediate secessionists throughout the South, who believed nonslaveholders would be receptive to overtures from the Republican party. The secession crisis climaxed a decade in which proslavery ideologues became increasingly convinced that only the direct interest conferred by ownership could cement an individual’s loyalty to the institution of slavery. Worried that high slave prices were reducing the slaveholding proportion of the southern population to dangerously low levels, proslavery ideologues commenced a two-pronged effort to induce nonslaveholders to purchase bondsmen. In addition, they employed the power of the state and extralegal means to keep antislavery ideas from reaching white southerners. Finally, during the 1860 election campaign and the secession crisis, proslavery ideologues revealed their distrust of nonslaveholders by arguing that Lincoln could build a Republican party in the South and also by directing propaganda at men who did not own slaves. In this dissertation, I will describe the foregoing developments and argue that proslavery secessionists propelled their states out of the Union, in large part, to preserve the hegemony of the slave owning class.

In the antebellum South, according to historian Eugene D. Genovese, the slaveholding class exercised dominance, or “hegemony,” by successfully presenting its private interest as commensurate with that of the entire region. “The success of a ruling class in establishing its hegemony,” he contends, “depends entirely on its ability to convince the lower classes that its

¹ “Editor’s Table,” *Southern Literary Messenger* 31 (December 1860): 472.

interests are those of society at large—that it . . . stands for a natural and proper social order.”² For the most part, slaveholders did just that, keeping all manifestations of class conflict within safe boundaries. The hegemony of the slave owning class was evident whenever slavery was described as being synonymous with the South. For example, during the controversy over the territories, as James L. Huston writes, southern politicians “talked about the rights of the South when restriction of slavery’s expansion could at best be said to limit the movement of one-quarter of the South’s white population, not the . . . [nonslaveholding] white majority.”³ My contention is that proslavery ideologues believed a Republican president would challenge the hegemony of slaveholders by appealing to nonslaveholders’ self-interest. The potent free-soil ideology of the Republican party, they feared, could persuade nonslaveholders, in Genovese’s terms, that “the interests of the ruling class [were] at variance with those of society in general and of their own class in particular.”⁴ By enforcing free speech and a free press in the South, a Republican president would have destroyed one of Genovese’s central elements of hegemony, “the ability of a particular class to contain those [class] antagonisms on a terrain in which its legitimacy is not dangerously questioned.”⁵ To prevent that eventuality, proslavery ideologues pressed for the slave states to leave the Union before Lincoln’s inauguration. The most fitting description of secession has been provided by James M. McPherson, who calls it a “pre-emptive counterrevolution.” To protect the status quo, he asserts, immediate secessionists moved first, before the Republican threat could materialize.⁶ Manisha Sinha, who characterizes secession as

² Eugene D. Genovese, “On Antonio Gramsci,” in *In Red and Black: Marxian Explorations in Southern and Afro-American History* (New York: Pantheon Books, 1968), 407. Genovese borrowed and adapted his idea of hegemony from Italian Communist Antonio Gramsci. For Gramsci’s writings in English, see Quintin Hoare and Geoffrey Nowell Smith, eds. and trans., *Selections From the Prison Notebooks of Antonio Gramsci* (New York: International Publishers, 1971).

³ James L. Huston, *Calculating the Value of the Union: Slavery, Property Rights, and the Economic Origins of the Civil War* (Chapel Hill: University of North Carolina Press, 2003), 41.

⁴ Genovese, “On Antonio Gramsci,” 407.

⁵ Eugene D. Genovese, *Roll Jordan Roll: The World the Slaves Made* (New York: Vintage, 1976), 25-26. See also Eugene D. Genovese, “Yeomen Farmers in a Slaveholders’ Democracy,” *Agricultural History* 49 (April 1975): 331-342.

⁶ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 245. McPherson credits the idea of “pre-emptive counterrevolution” to historian Arno Mayer.

“the counterrevolution of slavery,” argues that the identification of the Republican party with efforts to undermine slave owners’ control over slaves and nonslaveholders made disunion a necessity in the minds of proslavery men.⁷

The idea of a dichotomy between slaveholders and nonslaveholders runs counter to much recent scholarship, which has tended to emphasize the gradations among the members of either class and to highlight factors said to produce unity across the two groups. In her study of yeomen in South Carolina’s lowcountry, Stephanie McCurry says that slave owning was not the fundamental dividing line between farmers and planters, and she describes yeomen who owned fewer than ten slaves as “self-working farmers,” in contrast to larger holders, who had only to direct the labor of their bondsmen.⁸ On the opposite side of the slave owning divide, Charles C. Bolton asserts that slaveless yeomen farmers and poor landless whites never constituted a united class of nonslaveholders, because their interests and experiences were too disparate.⁹ In the states of Alabama and South Carolina, argue J. Mills Thornton and Lacy K. Ford, devotion to a form of republicanism that based white freedom on black enslavement produced strong interclass unity in support of slavery.¹⁰ James L. Huston maintains that white southerners believed the “economic well-being of their region came from slavery,” and claims this belief “produced something of a common economic bond” between slaveholders and nonslaveholders.¹¹ One of the drawbacks to aggregating southern whites into groups of slaveholders and nonslaveholders, notes Michael P. Johnson, is that it suggests that “a fundamental identity unites all those with slaves and divides them from those without.”¹² In fact, as this dissertation will attempt to show, an influential group

⁷ Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill: University of North Carolina, 2000).

⁸ Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995), 48-50.

⁹ Charles C. Bolton, *Poor Whites of the Antebellum South: Tenants and Laborers in Central North Carolina and Northeast Mississippi* (Durham, NC: Duke University Press, 1994).

¹⁰ J. Mills Thornton, III, *Politics and Power in a Slave Society: Alabama, 1800-1860* (Baton Rouge: Louisiana State University Press, 1978); Lacy K. Ford, Jr., *Origins of Southern Radicalism: The South Carolina Upcountry, 1800-1860* (New York: Oxford University Press, 1988).

¹¹ Huston, *Calculating the Value of the Union*, 37.

¹² Michael P. Johnson, *Toward a Patriarchal Republic: The Secession of Georgia* (Baton Rouge: Louisiana State University Press, 1977), 191.

of proslavery ideologues subscribed to that very idea in the decade before the Civil War. William Freehling describes the belief: “The ruling class, as Southerners sometimes defined the concept, was composed . . . of all slaveholders. A poor man with one slave was as much a slaveholder as a rich man with twenty.”¹³ Some historians have posited an empirical basis for the belief that the possession of one slave transformed an individual’s outlook. “The ownership of even a single slave,” asserts James Oakes, “affected all the other relationships that made up a master’s world.” He cites the changes to a family’s division of labor following the purchase of a slave and the fact that holding one slave made the owner “subject to periodic mortgage payments and yearly taxes that slaveless farmers did not have to meet.”¹⁴ Gavin Wright maintains that “even the smallest holder would find his financial portfolio dominated by the value of his slave property.”¹⁵ More important for this study is the fact that, as Laurence Shore notes, “proslavery leaders believed that ownership of only one slave was enough to ensure an individual’s ‘interest’ in slavery.”¹⁶ I would go one step further than Shore, however, and argue that many proslavery men believed that *only* the ownership of a slave ensured an individual’s support for slavery.

Much of proslavery ideologues’ anxiety about the loyalty of nonslaveholders stemmed from the nature of the Republican critique of slavery. Rather than focus on moral concerns and the plight of the slave, like many abolitionists did, Republican spokesmen emphasized slavery’s harmful economic effects and its impact on white Americans. In his study of Republican thought, Eric Foner writes that party members elaborated a detailed indictment of the South. They argued that slavery made the southern economy stagnant and backward, that it undermined the dignity of labor, and that it left the nonslaveholder mired in poverty and degradation. Republicans also

¹³ William W. Freehling, *The Road to Disunion*, vol. 1, *Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), 42.

¹⁴ James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York: W. W. Norton & Co., 1990), 93-97.

¹⁵ Gavin Wright, *The Political Economy of the Cotton South: Households, Markets, and Wealth in the Nineteenth Century* (New York: W. W. Norton & Company, 1978), 141.

¹⁶ Laurence Shore, *Southern Capitalists: The Ideological Leadership of an Elite, 1832-1885* (Chapel Hill: University of North Carolina Press, 1986), 202 n. 31.

utilized elaborate statistical comparisons of the North and the South to support their claim that free labor was more efficient. Important party leaders, including William H. Seward, believed that the economic attack had greater political effect than moralizing, and election results in the North seemed to confirm that view.¹⁷ Writing on the southern ruling elite's effort to perpetuate its sway in the nineteenth century, Laurence Shore says that antislavery economic persuasion had tremendous striking power in the region. In the 1830s, he notes, southern critics of slavery often couched their arguments in terms of political economy. During the Virginia legislature's pivotal 1832 debate over slavery's future, supporters of gradual abolition shocked proslavery men by making an economic critique of the institution a part of public discourse. By the 1850s, Shore writes, the northern statistical indictment of slavery and the southern responses to it dominated the national debate. Proslavery ideologues were forced to emphasize slavery's contribution to the prosperity of all southern whites. They lacked confidence in their own arguments, however, and implicitly conceded that the institution might not benefit the southern nonslaveholder. Worried by the emergence of the Republican party and fearing class conflict in the South, Shore claims, proslavery men realized that "nonslaveholders needed a selfish reason to support slavery."¹⁸ To the alarm of proslavery southerners, however, the social mobility which had previously elevated substantial numbers of slaveless whites into the master class seemed to be breaking down.

During the 1850s, the high price of cotton in the world market forced the price of slaves to unprecedented levels and raised the bar for entry into the slaveholding class. By the end of the decade, the slave owning proportion of the southern population had fallen sharply. Gavin Wright contends that "the division of slave property values between owners and non-owners . . . formed the cutting edge of Southern political economy in the 1850s."¹⁹ More importantly, as Ronald T. Takaki emphasizes, contemporary southerners believed that social mobility was being restricted

¹⁷ Eric Foner, *Free Soil, Free Labor, Free Men* (1970; reprint, New York: Oxford University Press, 1979).

¹⁸ Shore, *Southern Capitalists*. The quotation is from page 21.

¹⁹ Wright, *The Political Economy of the Cotton South*, 42.

and made their decisions accordingly.²⁰ In 1856 proslavery ideologues attempted to reverse the trend by supporting two measures designed to enable and induce nonslaveholders to purchase slaves. The first, supported by South Carolina governor James H. Adams in his opening message to the state legislature, was the reopening of the African slave trade. Proponents claimed that a renewal of the trade would lower the price of slaves and thus allow nonslaveholders to buy them. This proposal, and its supporters' emphasis on "diffusing" slavery among more owners, has been covered by several historians, including Laurence Shore, Manisha Sinha, and Ronald Takaki.²¹ The second measure, also promoted by Governor Adams in his legislative address, would have exempted one slave per owner from being sold for debt, as a way to encourage nonslaveholders to purchase bondsmen. That proposal, although briefly mentioned by a number of scholars, has been overlooked in the literature until now.²² For several reasons, the slave exemption provides a superior indication of the extent of popular support for increasing the slaveholding share of the population than does the slave trade. Any effort to reopen the African trade would have invited collision with the North or England, and a decline in slave prices would have hurt slaveholders' economic interests. The slave exemption, conversely, could be enacted by individual states and would not have eroded the value of slave owners' current holdings. Moreover, those who argued for the measure after 1856 advanced only one reason for its promulgation: that it would bolster southern unity by making nonslaveholders into slave owners. My treatment of slave exemption shows that the effort to increase the proportion of slaveholders, founded on the belief that only direct interest through ownership ensured a person's loyalty to slavery, enjoyed broad-based

²⁰ Ronald T. Takaki, *A Pro-Slavery Crusade: The Agitation to Reopen the African Slave Trade* (New York: Free Press, 1971).

²¹ Shore, *Southern Capitalists*; Sinha, *The Counterrevolution of Slavery*; Takaki, *A Pro-Slavery Crusade*.

²² The "slave exemption," as I refer to it, is briefly discussed in the following works: Steven Hahn, *The Roots of Southern Populism: Yeoman Farmers and the Transformation of the Georgia Upcountry, 1850-1890* (New York: Oxford University Press, 1983); J. William Harris, *Plain Folk and Gentry in a Slave Society: White Liberty and Black Slavery in Augusta's Hinterlands* (Middletown, CT: Wesleyan University Press, 1985); Johnson, *Toward a Patriarchal Republic*; James Oakes, *The Ruling Race: A History of American Slaveholders* (New York: Alfred A. Knopf, 1982); Shore, *Southern Capitalists*; Takaki, *A Pro-Slavery Crusade*.

support across the South and was not restricted to those extremists who favored reopening the African slave trade.

In June 1857 a northern company published *The Impending Crisis of the South*, authored by Hinton Rowan Helper, a nonslaveholding native of North Carolina. This book, which James McPherson says presented the harshest indictment of the South's domestic institution, combined voluminous census data with an impassioned argument directed at southern nonslaveholders.²³ By synthesizing the existing work which criticized slavery on an economic basis and delivering his critique in racist terms, writes Laurence Shore, Helper produced a book that many proslavery men viewed as highly dangerous.²⁴ Particularly worrisome was the fact that Helper called upon southern nonslaveholders to ally themselves with the Republican party and seek the peaceful abolition of slavery. For over two years after publication of *The Impending Crisis*, proslavery southerners refused to engage the book's arguments and contented themselves with personal attacks on its author. Late in 1859, however, a Democratic newspaper revealed that more than sixty Republican congressmen had endorsed an effort to raise money to circulate the book in the North. That revelation sparked a bitter controversy in which proslavery southerners accused the Republican party of lending its support to Helper's effort to proselytize nonslaveholders. George M. Fredrickson has justifiably asserted that *The Impending Crisis* might be "the most important single book, in terms of its political impact," ever published in the United States. He contends that the support given to Helper's book by prominent Republican lawmakers convinced many wavering southerners that a Republican president would try to subvert slavery by appealing to nonslaveholders. Once "Helperism" became identified with the Republican party, Fredrickson concludes, nothing Lincoln said could alleviate the concerns of former southern unionists. The

²³ McPherson, *Battle Cry of Freedom*.

²⁴ Shore, *Southern Capitalists*.

Republican support for Helper's book, he says, provides a substantial part of the explanation as to why the cotton states seceded before Lincoln's inauguration.²⁵

The southern reaction to Republican support for *The Impending Crisis* revealed a deep-seated fear that nonslaveholders were susceptible to antislavery persuasion. In their respective studies of yeomen in Georgia and South Carolina, Steven Hahn and Stephanie McCurry argue that Helper's call for expanded industry and wage labor in the South might not have appealed to men who valued their personal independence and the control of their households.²⁶ On the other hand, it might well have proved attractive to those landless whites who, according to Charles C. Bolton, made up between thirty to fifty percent of the southern white population and suffered from the regional scarcity of cash.²⁷ At any rate, proslavery men did not allow nonslaveholders to decide for themselves, using state power and extralegal means to keep Helper's book and similar publications from being circulated. I believe proslavery ideologues favored legal censorship, for the reason that it bolstered slaveholders' hegemony and also because the extralegal means of the vigilance committee was too volatile.²⁸ In the case of Helper's book, proslavery southerners used laws meant to prevent a slave insurrection to prohibit the distribution of publications intended for white citizens. William Freehling, in volume one of his *Road to Disunion*, argues that "inciting blacks" was the only transgression covered by such laws and claims that proslavery men wishing to silence white dissenters "would have to deploy lynch mobs."²⁹ I believe Freehling is wide of the mark on this point and that he underestimates the importance of those laws in stifling whites' freedom of thought. This dissertation shows that in 1860, for example, North Carolina's supreme

²⁵ George M. Fredrickson, Introduction to *The Impending Crisis of the South: How to Meet It*, by Hinton Rowan Helper (1857; reprint, Cambridge: Belknap Press of Harvard University Press, 1968). Quote from page ix.

²⁶ Hahn, *The Roots of Southern Populism*; McCurry, *Masters of Small Worlds*.

²⁷ Bolton, *Poor Whites of the Antebellum South*.

²⁸ For a discussion of how vigilance committees could cause trouble for the elite, see McCurry, *Masters of Small Worlds*, 295-296.

²⁹ Freehling, *The Road to Disunion*, 1:107. Freehling cites the South Carolina legislature's rejection, in 1861, of a bill that would have prohibited literature meant to create disaffection between nonslaveholders and slaveholders. In Chapter Six of this dissertation, I demonstrate that the legislature could do so because existing statutes were interpreted in such a way as to forbid the circulation of antislavery books among white residents. To wit, in March 1860, the Greenville District Court convicted Harold Willis of handing copies of *The Impending Crisis* to a few of his white neighbors.

court ruled that any circulation of antislavery literature in the state was illegal, because it would inevitably reach blacks. Manisha Sinha also downplays the efficacy of statutory censorship, writing that, in South Carolina, “neither white democracy nor mastery of their households” kept men with antislavery opinions from “being assaulted for their views.”³⁰ Those boasted attributes of a white egalitarian society founded on black slavery also failed to prevent Harold Willis from being sentenced to one year’s imprisonment for delivering *The Impending Crisis* to some of his white neighbors in South Carolina.³¹ The legal prohibition of antislavery expression in the South was entirely consistent with the notion of hegemony elaborated by Eugene D. Genovese. He writes: “The law acts hegemonically to assure people that their particular consciences can be subordinated—indeed, morally must be subordinated—to the collective judgment of society.”³² In the slave states, any individual who criticized the institution was said to endanger the well-being of society by increasing the risk of slave insurrection. By constantly referring to the threat of a violent revolt, slaveholders ensured their hegemony by making any criticism of their private interest illegal. Proslavery ideologues’ desire to maintain this regime of censorship against books like *The Impending Crisis* explains much of the impetus for immediate secession after Lincoln’s election.

Throughout the 1860 election and the secession crisis, proslavery ideologues emphasized Lincoln’s ability to use federal patronage and free speech to build a Republican party within the South. That claim, writes Michael Johnson, was the most compelling argument of the immediate secessionists who wanted to leave the Union before Lincoln’s inauguration.³³ Secessionists were helped, says Eric Foner, by the fact that many southerners did not accept Republican assurances that Lincoln would not pursue such “indirect” action against slavery.³⁴ Southerners worried about

³⁰ Sinha, *The Counterrevolution of Slavery*, 80. Sinha’s phraseology is a evidently a criticism of the interpretations presented in Ford, *Origins of Southern Radicalism*, and McCurry, *Masters of Small Worlds*.

³¹ See Chapter Six of this dissertation for the Harold Willis case.

³² Genovese, *Roll, Jordan, Roll*, 27.

³³ Johnson, *Toward a Patriarchal Republic*.

³⁴ Foner, *Free Soil, Free Labor, Free Men*, 314.

patronage and free speech because they did not trust the nonslaveholding majority in the region. As the authors of a study of wartime Georgia argue, whether those concerns were justified or not, they were “nevertheless very real and had a profound influence on the secession movement.”³⁵ In the last four decades, many historians have placed the fear of internal disunity at the heart of the secessionist rationale.³⁶ An examination of the structure and personnel of the federal government in 1860 demonstrates why proslavery ideologues viewed patronage as such a potent threat to the integrity of their society. At the time of Lincoln’s election, the largest federal bureaucracy was the post office, which reached into every corner of the nation. Postmasters, most of whom were simply appointed by the postmaster general, delivered the mail and were active in local politics.³⁷ Since the mid-1830s, when abolitionist mailings to white southerners provoked controversy, the post office department had acquiesced to state laws which required postmasters to intercept and destroy antislavery literature sent through the mail. Clement Eaton describes that policy, which was followed for twenty-five years, as a “striking example of the nonassertion of federal power.” He recounts that censorship of the mail was justified on the grounds of public safety, because of fears that antislavery documents would reach slaves. Suppression of *The Impending Crisis*, Eaton notes, indicated that slave owners feared that an open debate would turn nonslaveholders against the institution. The effectiveness of such censorship, he emphasizes, required the cooperation of the federal government.³⁸ Proslavery men believed that when Lincoln took office in March 1861, such cooperation would no longer be forthcoming, and thousands of Republican postmasters in the slave states would deliver books like *The Impending Crisis* to southern nonslaveholders. For

³⁵ David Williams, Teresa Crisp Williams, and David Carlson, *Plain Folk in a Rich Man’s War: Class and Dissent in Confederate Georgia* (Tallahassee: University Press of Florida, 2002), 200 n. 12.

³⁶ For leading examples of this, see William Barney, *The Road to Secession: A New Perspective on the Old South* (New York: Praeger, 1972); William W. Freehling, “The Editorial Revolution, Virginia, and the Coming of the Civil War: A Review Essay,” *Civil War History* 16 (March 1970): 64-72; Freehling, *The Road to Disunion*, vol. 1, *Secessionists at Bay, 1776-1854*; Hahn, *The Roots of Southern Populism*; Harris, *Plain Folk and Gentry in a Slave Society*; Johnson, *Toward a Patriarchal Republic*; McCurry, *Masters of Small Worlds*; Shore, *Southern Capitalists*; Sinha, *The Counterrevolution of Slavery*.

³⁷ William W. Freehling, *The South vs. The South: How Anti-Confederate Southerners Shaped the Course of the Civil War* (New York: Oxford University Press, 2001), 30.

³⁸ Clement Eaton, *The Freedom-of-Thought Struggle in the Old South* (New York: Harper and Row, 1964). Quote from page 200.

immediate secessionists, the most threatening aspect of federal power was not the “tiny 16,000-man army . . . scattered over two thousand miles of frontier,” but the postmasters who could bring free-soil ideas into every southern hamlet and open a debate that proslavery ideologues would risk everything to avoid.³⁹

In order to win nonslaveholders’ support for secession, or at least their acquiescence in it, proslavery ideologues mounted a sustained propaganda effort over the winter of 1860-61. These appeals downplayed the importance of slaveholders’ interests, warning that Republican control of the executive branch threatened the tenure of all property and would lead to the imposition of racial equality in the South. Secessionists regularly made confident assertions of interclass unity, but, as several historians argue, the volume and stridency of their propaganda revealed profound anxiety over the choice nonslaveholders would make.⁴⁰ To some extent, proslavery ideologues’ concern about nonslaveholders was borne out by events during the secession crisis and the Civil War itself. In the states of the deep South, according to scholars like Charles Bolton and Steven Hahn, nonslaveholders in regions outside of the black belt generated the strongest opposition to secession and produced the highest rates of desertion during the war.⁴¹ The voters in Tennessee, North Carolina, and Virginia rejected secession in February 1861, when the central question was whether Lincoln’s victory justified disunion. In the latter two states, argues Daniel Crofts, the campaigns preceding those elections produced Union parties which mobilized nonslaveholders and created a political framework for slaveless whites to develop a consciousness of their distinct class interests.⁴² Only when the Confederate attack on Fort Sumter forced the residents of those states to choose between being cobelligerents of the North or the South did they opt for disunion. Even then, the mostly nonslaveholding regions of eastern Tennessee and western Virginia were

³⁹ The description of the Union army in March 1861 is from McPherson, *Battle Cry of Freedom*, 250.

⁴⁰ Hahn, *The Roots of Southern Populism*; McCurry, *Masters of Small Worlds*; McPherson, *Battle Cry of Freedom*.

⁴¹ Bolton, *Poor Whites of the Antebellum South*; Hahn, *The Roots of Southern Populism*. Also see Williams, Williams, and Carlson, *Plain Folk in a Rich Man’s War*.

⁴² Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989).

never reconciled to secession. Moreover, as William Freehling emphasizes, four slave states, including strategically vital Kentucky and Maryland, never left the Union. He contends that the retention of those states by the Union, and the opposition of many whites in the seceded states, placed the Confederacy at a disadvantage which rendered its defeat virtually inevitable.⁴³ Paul D. Escott maintains that class resentment hurt the Confederacy and contributed to its defeat. The administration of Jefferson Davis, he asserts, failed to respond to the needs of common people, and many of them responded by quietly leaving the armies or ceasing their support of the war effort.⁴⁴ Nevertheless, the Confederacy, as Steven Hahn and Eugene Genovese emphasize, did have the support of enough nonslaveholders to endure four years of war with the North.⁴⁵ That support, however, must not be allowed to obscure the fact that the proslavery ideologues who formed the vanguard of secessionism believed that nonslaveholders were inherently unsound on the vital issue of slavery.

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This dissertation examines proslavery southerners' concern with nonslaveholders' loyalty in seven thematic chapters organized in roughly chronological fashion. Chapter One establishes a foundation by detailing southern anxiety over high slave prices and the growth of the Republican party. It also describes areas of class conflict, including whites trafficking with slaves, legislative apportionment, slave taxation, and white mechanics' resistance to slave competition. Chapters Two and Three explore the slave exemption proposal, which was meant to bring nonslaveholders into the slave owning class. Following Governor Adams's endorsement of it in November 1856, the measure won support across the South and was considered by the legislatures of several slave states. Chapter Four treats Hinton Helper's *The Impending Crisis of the South*, the controversy it provoked in the House of Representatives, and the effect it had on the sectional crisis. The legal

⁴³ Freehling, *The South vs. The South*.

⁴⁴ Paul D. Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1978).

⁴⁵ Genovese, "Yeomen Farmers in a Slaveholders' Democracy"; Hahn, *The Roots of Southern Populism*.

and extralegal forms of censorship which buttressed slaveholders' hegemony are elaborated in Chapter Five. In addition, that chapter describes how southerners enhanced their repression of antislavery literature after Helper's book gained notoriety. Chapter Six provides a case study of the legal censorship of antislavery documents by looking at the 1860 trial of Harold Willis in Greenville, South Carolina. Willis was convicted of delivering Helper's book to some of his white neighbors and his case led the state legislature to consider a bill that would have explicitly prohibited literature and speech intended to create disaffection between nonslaveholders and slave owners. Chapter Seven concludes the dissertation with an account of how proslavery men revealed their misgivings about nonslaveholders by emphasizing the potential threat of Lincoln's use of patronage and persuasion. Furthermore, the final chapter shows the ubiquity of secessionist appeals to nonslaveholders and discusses the main themes of that propaganda.

Before leaving the reader to consider the main body of the text, I will clarify the intent of this dissertation and explain some terms and methodology. This dissertation focuses on the idea that a segment of proslavery southerners believed that nonslaveholders lacked sufficient interest in the institution of slavery. It does not address the question of whether those southerners were justified in their distrust of nonslaveholders but seeks only to demonstrate the existence of that distrust and to address its significance. This focus is based on the belief that people's actions are guided by their subjective perceptions, whether or not those correspond to the objective reality. The term "proslavery ideologues" broadly denotes those southerners who viewed the interests of the slaveholding class in the aggregate. They believed that slavery was a positive good and that the state should facilitate its perpetuation. Proslavery ideologues also, as this dissertation shows, spent a considerable amount of their time worrying about the myriad of ways in which their revered institution could be extinguished. Some of them were not slave owners themselves, and by no means could all slaveholders be considered "proslavery ideologues." The importance of these proslavery southerners came from the manner in which they inserted their concerns into the

public discourse and the inordinate effect they had on events. Although not representative of majority opinion in the South, they led the campaign for secession.

This dissertation utilizes a large volume of manuscript legislation as source material. In conjunction with other evidence, such as legislative journals, newspapers, and published session laws, the use of manuscript legislation facilitates an understanding of the practical application of power in statehouses. Bills not enacted by lawmakers reveal much about the evolution of laws and illustrate roads not taken by historical actors. In addition, the study of manuscript legislation can show how lawmakers responded to the wishes of their constituents and drew inspiration from their counterparts in other states. Because the contents of these bills, suggested amendments, and committee reports are available nowhere else, manuscript legislation constitutes an invaluable resource for the historian.

The quotations in this dissertation reproduce the spelling, punctuation, and grammar of the original sources, except where corrections are indicated by brackets. The use of italics in all quotations reflect their presence in the original source, unless otherwise indicated.

Chapter One:

The Nonslaveholder Problem in the Late Antebellum South

In December 1860, the editor of the *Southern Literary Messenger* asserted that “the high price of slaves” during the 1850s had “prevented many men from becoming slave owners . . . and so created in our midst a tremendous instrument for Black Republican principles to play upon.”¹ His complaint described the confluence of internal and external developments which led many slaveholders to believe that their hegemony in the South could be maintained only by leaving the Union. The high slave prices prevalent for most of the 1850s caused a dramatic reduction in the proportion of southern whites who owned slaves. Concerns about that worrisome internal trend were exacerbated by the rapid growth of the Republican party after 1854, particularly because that party evinced a determination to proselytize southern nonslaveholders. These developments imparted special urgency to slaveholders’ perpetual anxiety over the terms of their arrangement with the majority of white southerners who did not own slaves. In a number of states, lawmakers who represented mostly nonslaveholding constituencies pressed for a redress of long-standing grievances over issues of legislative apportionment and slave taxation. Moreover, the perennial complaints of skilled urban white workers about slave and free black competition resonated more strongly and won important support. Significantly, advocates for nonslaveholders’ interests often pointedly warned that while members of that class were friendly to slavery, their loyalty should not be taken for granted by slave owners. Looking for a way to alleviate the hardscrabble lives of many nonslaveholders and give them a stake in slave society, many southerners promoted the growth of industry which would employ white operatives. On the other hand, an influential segment of proslavery ideologues argued that only a direct financial interest in slavery, through ownership, would ensure an individual’s loyalty to the peculiar institution in a crisis. In keeping

¹ “Editor’s Table,” *Southern Literary Messenger* 31 (December 1860): 473.

with that belief, they sought to reopen the African slave trade and import a sufficient number of bondsmen so that every head of a white family could be part of the master class. Southern politicians and thinkers devoted great attention to the status of white nonslaveholders in the decade before the Civil War.

Internal and External Threats to Slaveholders' Hegemony

During the 1850s, sustained growth of the demand for cotton in the global market pushed slave prices to unprecedented heights.² In the middle of the decade, the *U.S. Economist* reported that “the cotton demand for slaves” was “immense,” and, consequently, “the value of slaves has risen from \$800 to \$2,000 for able hands.”³ The *Yorkville Enquirer* summarized the trend with a simple declaration: “The steady and rapid increase in the value of our negro property is one of the signs of the times.”⁴ For some southerners, whose myopic interpretation extended no further than an individual slave owner’s financial interest, the escalation of slave prices demonstrated only the strength of the peculiar institution. In 1856, a Georgia newspaper contended: “If slave property were as insecure . . . as is sometimes represented, it seems scarcely possible that it would command such prices.”⁵ That view ignored the fact that slavery was also a political and social institution, which required the active support of all southern whites. Nonslaveholders, for example, manned the patrols that restrained slave owners’ property, and their votes sustained the proslavery legislation of state governments. In the event of a conflict with the North, southern states would need their nonslaveholding citizens to fight and die for slavery. By restricting the economic benefits of slavery to a declining share of the population, high slave prices threatened

² Gavin Wright, *The Political Economy of the Cotton South: Households, Markets, and Wealth in the Nineteenth Century* (New York: W. W. Norton & Company, 1978), 90-97, 129, 142; Ronald T. Takaki, *A Pro-Slavery Crusade: The Agitation to Reopen the African Slave Trade* (New York: Free Press, 1971), 35-36.

³ *U.S. Economist* in “Raw Products and Migration,” *New Orleans Bee*, December 25, 1856. See also “Supply and Consumption of Cotton, Present and Prospective,” *DeBow’s Review* 22 (April 1857): 346; “Southern Slavery and the Cotton Trade,” *DeBow’s Review* 23 (November 1857): 480.

⁴ “Sales-Day,” *Yorkville Enquirer*, January 8, 1857.

⁵ *Augusta Daily Chronicle and Sentinel*, December 21, 1856.

to alienate many southern whites from slavery. Historian Gavin Wright summarizes the dynamic: “The very forces that were strengthening the economic incentives for slaveowners to retain slavery were slowly weakening the political supports for the institution.”⁶ Rational economic choices made by individual slave owners were undermining the ability of the slaveholding class to perpetuate itself. Thoughtful proslavery men understood this dilemma and called for action to resolve it. One cotton planter warned his peers: “We . . . should not close our eyes to any of the defects in our planting or policy. If we cause slave labor to be unnaturally expensive, the injury done to the public will ere long react upon the monopolists with a just and blighting retribution.”⁷ Virginia’s Edward A. Pollard alluded to the need for slave owners to consider the needs of all southern whites, asserting that “public spirit in the South,” was “suppressed and limited . . . by the monopolies of land and labor.”⁸

The most troubling aspect of high slave prices was the degree to which they raised the bar on entry into the slaveholding class. Reporting the “high prices” prevailing in “all quarters of the South,” the *Chester Standard* warned: “Under these circumstances it will be difficult for poor men to become identified with slavery.”⁹ Louisiana state senator Edward Delony discussed the subject in *DeBow’s Review*: “At the present high prices . . . the number of slaveholders cannot be expected to increase . . . as purchases are now most generally confined to those who already hold slaves.” Economic conditions, he feared, were “contracting an institution that should be general and broad . . . and weakening the strength of its foundation.”¹⁰ A South Carolina editor stated a common refrain of the 1850s: “Men with limited means are not able to hold such property in consequence of the enormous prices.”¹¹ Even when a nonslaveholder could raise the enormous

⁶ Wright, *The Political Economy of the Cotton South*, 42.

⁷ “Destiny of Cotton Culture,” *DeBow’s Review* 24 (May 1858): 443.

⁸ *Charleston Mercury*, February 17, 1857.

⁹ “Negro Property,” *Chester Standard*, January 29, 1857.

¹⁰ “The South Demands More Negro Labor,” *DeBow’s Review* 25 (November 1858): 500-501. For the report of a Louisiana senate committee, of which Delony was a member, see “Importation of African Laborers,” *DeBow’s Review* 24 (May 1858): 421-424.

¹¹ *Columbia Times* in *Charleston Mercury*, April 27, 1857.

sum required to buy a slave, the human frailties of that property made him reluctant to purchase. Leonidas Spratt, a proponent of reopening the African slave trade, stated the nonslaveholder's problem: "It is long . . . before he can make one thousand dollars, and making it, it is longer still before he can come to risk so much upon a single venture."¹² The risk was that a slave could become sick or injured, die, or run away, destroying a considerable investment. High prices endangered the faith in social mobility which attenuated any resentment nonslaveholders might feel toward wealthy neighbors. Daniel Hundley emphasized this desire for social mobility in his examination of southern society: "Our young Yeoman . . . resolves to toil night and day but he will yet occupy an equal position with those who now look down upon him with such ill-disguised contempt."¹³ In 1859, W. Mazyck Porcher worried that frustrated aspirations would redound to the detriment of slave owners. He told Edmund Ruffin: "I . . . believe that if the high price of Negroes continues that the number of slave holders in the Southern States will be so much diminished as to render the property unsafe from the envy of those who own it not."¹⁴ Census figures confirm that high prices eroded the slaveholding share of the population in the 1850s. While the absolute number of slave owners increased during the decade, the slaveholding proportion of the free population declined precipitously, from 30.9% to 26.1%.¹⁵ Proslavery men had identified an ominous demographic trend which, in conjunction with external developments, formed a clear and present danger to their peculiar institution.

¹² "Report on the Slave Trade," *DeBow's Review* 24 (June 1858): 487. Edward Delony claimed to have a nonslaveholding neighbor who, after "several years of toil and strict economy," had saved \$1,500. The neighbor wanted a slave, but "he thinks it is too great a risk to invest so large an amount, all he has, in one negro." *DeBow's Review* 25 (October 1858): 489.

¹³ Daniel R. Hundley, *Social Relations in Our Southern States* (1860; reprint, with an introduction by William Cooper, Jr., Baton Rouge: Louisiana State University Press, 1979), 275. Clement Eaton wrote: "The hope of acquiring slaves on the part of the yeoman class was a strong deterrent to any radical criticism of the institution." Clement Eaton, *Freedom of Thought in the Old South* (Durham, NC: Duke University Press, 1940), 250. Also see Frank L. Owsley, *Plain Folk of the Old South* (Baton Rouge: Louisiana State University Press, 1949), 134; and Laurence Shore, *Southern Capitalists* (Chapel Hill: University of North Carolina Press, 1986), 43-48.

¹⁴ W. Mazyck Porcher to Edmund Ruffin, June 21, [1859], Edmund Ruffin Papers, VHS.

¹⁵ Lewis C. Gray, *History of Agriculture in the Southern United States to 1860*, 2 vols. (Washington: Carnegie Institution, 1933), 1:482, table 7. Gray calculated the slaveholding proportion by multiplying the number of slave owners by the average family size. In 1850, there were 347,525 slave owners in the fifteen slave states and the District of Columbia; in 1860, the number was 384,864. *Eighth Census, 1860*, vol. 2: *Agriculture* (Washington: 1864), 247-248.

Southerners concerned with high prices during the 1850s worried particularly about their effect in the upper South, where the crops grown by slave labor were less profitable.¹⁶ Residents of those states could not afford to buy slaves at the prevailing rates and often sold their holdings to cotton state buyers. As one observer noted, with the “fabulous prices” of slaves, “they must be used to work up the elements of cotton in rich land, or they will fail to yield a profit to the purchaser.”¹⁷ The *Charleston Mercury* asked: “Is there any pursuit of agriculture or manufacture in Virginia or Missouri which can make slave labor profitable at \$600 round per slave?” It feared high prices “must . . . carry the slaves of Virginia down to the [deep] South for the cultivation of her tropical productions,” like cotton, rice, and sugar.¹⁸ Census statistics indicate that during the 1850s, the slaveholding share of the upper South’s free population fell from 26% to 20.8%.¹⁹ Sensing this development, proslavery ideologues worried that the diminution of the master class in the upper South threatened the institution’s future there. In 1854, Daniel Lee, the editor of a Georgia agricultural journal, warned that a dearth of slaves in those states would “assimilate their circumstances and system of labor to those of the Northern States.”²⁰ Edmund Ruffin predicted that the sale of bondsmen to the cotton states would eventually “remove so many of our slaves, as necessarily to destroy the institution of negro slavery in Virginia.”²¹ Richmond merchant Daniel London discerned “the appearance of a moral conviction that the institution of slavery is not worth preserving.”²² Proslavery men with a strategic outlook warned that the decline of the institution in the upper South represented a threat to its survival in every slave state. In 1857, the *New Orleans Delta* asserted that the continuation, for “ten or twelve years,” of the trend, “would

¹⁶ For a map of staple crop regions in 1860, see James M. McPherson, *Ordeal By Fire: The Civil War and Reconstruction* (New York: Alfred A. Knopf), 26. For a map of cotton production in 1859, see Wright, *The Political Economy of the Cotton South*, 16.

¹⁷ “The Destiny of Cotton Culture,” *DeBow’s Review* 24 (May 1858): 442.

¹⁸ “Edgefield Advertiser,” *Charleston Mercury*, July 2, 1857.

¹⁹ Gray, *History of Agriculture in the Southern United States to 1860*, 1:482, table 7. Gray defined the upper South as Delaware, Kentucky, Maryland, Missouri, North Carolina, Tennessee, and Virginia. In Virginia the share dropped from 33.1% to 25.9%, in Missouri from 18.4% to 12.5%, and in Maryland from 20.3% to 12.6%.

²⁰ “Agricultural Apprentices and Laborers,” *Southern Cultivator* 12 (June 1854): 169.

²¹ “The Effects of High Prices of Slaves,” *DeBow’s Review* 26 (June 1859): 651.

²² “Commercial, Agricultural, and Intellectual Independence of the South,” *DeBow’s Review* 29 (October 1860): 482.

withdraw the most valuable slaves from Maryland, Virginia, Kentucky, Missouri, and, finally, Tennessee,” to be replaced by “a non-slaveholding population of Northern laborers.” It warned: “Those States would virtually cease to be Southern. The political strength of the South would be reduced nearly half. She would have to give up all hope of securing a balance of power in the Union.”²³ Slavery’s perpetuation required the institution to be diffused among as many states and persons as possible. South Carolina state senator Edward B. Bryan wrote: “The concentration of slaves in geographical sections is as little to be desired as their monopoly by individuals.”²⁴ The Republican party, many proslavery men feared, would be able to exploit either condition and effect peaceful abolition.

The relative decline of slaveholding in the 1850s was all the more troubling because of the manner in which the ascending Republican party emphasized slave owners’ minority status and slavery’s negative effects on nonslaveholders.²⁵ In 1857, a Memphis newspaper declared: “Slave property is accumulated in, comparatively, a few hands . . . of this fact Abolitionism boasts, and upon it builds the assumption that the people of the South are divided in interest.”²⁶ During the 1856 election, in which John Frémont became the first Republican candidate for the presidency, proslavery men warned that the party would seek the support of nonslaveholders in the South. The *New Orleans Delta* criticized “the New York Tribune and other Black Republican sheets,” for telling their readers the South would not secede because “the non-slaveholders are all Union men.” On the contrary, it argued, nonslaveholders “feel bound, by every consideration of interest, safety, and duty,” to defend slavery.²⁷ On election day, the *Richmond Enquirer* printed an article by “Roanoke,” who said of the Republican party: “The oppressed white men of the South,

²³ *New Orleans Daily Delta* in “Concentration of Slavery,” *Charleston Weekly Standard*, January 6, 1857.

²⁴ Edward B. Bryan, *Letters to the Southern People Concerning the Acts of Congress and the Treaties with Great Britain, In Relation to the African Slave Trade*, (Charleston: Walker, Evans & Co., 1858), 37.

²⁵ For an examination of the Republican critique of slavery, see Eric Foner, *Free Soil, Free Labor, Free Men* (1970; reprint, New York: Oxford University Press, 1979), 40-72.

²⁶ “Extension of Slavery at Home,” *Memphis Eagle and Enquirer* in *Charleston Mercury*, January 27, 1857.

²⁷ “Slavery and Non-Slaveholders,” *New Orleans Daily Delta*, October 9, 1856. Also reprinted in the *Hinds County Gazette*, November 19, 1856.

now, are the objects of their disinterested philanthropy—the men in the South who do not own slaves.” He contended that the party’s “object is, to get the co-operation of the non-slaveholding people of the South—to stir them up against the slaveholders.”²⁸ After the election, the *Nashville Union and American* proclaimed that “the Real Danger to the South” came from efforts to foment internal opposition to slavery. It warned: “Just in proportion as we permit influences to grow up in our midst inimical to our domestic institutions are we increasing the dangers so threatening to our rights.”²⁹ The *Richmond Enquirer* worried that although every white southerner had a clear interest in preserving slavery, “the fact is too remote from ordinary observation to resist the effect of the specious argument which the Abolitionists address to the prejudices and passions of the non-slaveholding class.”³⁰ On December 22, 1856, Mississippi senator Albert Gallatin Brown upbraided Republican William H. Seward for his alleged efforts to spark class conflict in the South. Citing an 1855 speech in which Seward referred to “three hundred and fifty thousand slaveholding aristocrats in the South,” Brown contended that “he expects, by appeals like these, to turn the hearts of the non-slaveholders of the South against slavery.”³¹ Similar complaints emanated from proslavery men well after the passions stoked by the election had cooled. A Tennessee editor warned his readers that “abolitionists” were trying to instill “a spirit of hostility to slavery into the minds of a portion of our own people, with a view to their ultimate purpose.”³² One in Kentucky complained: “The doctrine inculcated in the North is, that poor white people here have no independence; being in subjection to the slaveholder.”³³ Referring to Massachusetts, Virginia author George Fitzhugh claimed: “Her politicians, her lecturers . . . and her newspaper press is busy reviling us, and in attempts to create jealousies between our rich and poor

²⁸ “Yankee Politics Alias Lust For Land, No. II,” *Richmond Semi-Weekly Enquirer*, November 4, 1856.

²⁹ “The Real Danger to the South,” *Nashville Union and American*, November 23, 1856.

³⁰ “South Carolina Statesmanship—Message of Gov. Adams,” *Richmond Semi-Weekly Enquirer*, November 28, 1856.

³¹ *Congressional Globe*, 34th Cong., 3d sess., appendix, 93-94.

³² “Abolitionism in Disguise,” *Nashville Union and American*, January 8, 1857.

³³ *Louisville Daily Democrat*, January 6, 1857.

citizens.”³⁴ Republican party efforts to infiltrate the South by playing upon class tensions there discomfited many proslavery ideologues who were uncertain of the loyalty of nonslaveholders.

Many observers in the late 1850s claimed that the Republican party had already started to undermine slavery in the vulnerable states of the upper South. Eli Thayer’s effort to create a free-labor colony in Virginia garnered much unfavorable attention. A Massachusetts Republican, Thayer hoped to transplant aspects of northern society to western Virginia, where there were few slaves.³⁵ The *Richmond Enquirer* claimed that the purpose of his colony was to “scatter the seeds of abolitionism over the soil of Virginia.” An editor in Georgia labeled it “a colony got up with the avowed purpose of war against the settled institutions of a State.” Slave owners feared the North would encourage free-labor settlement in the slave states as it had in Kansas. A Mississippi newspaper warned: “The North is not content with colonizing the *territories*—it wants to take a chance also at the States.”³⁶ Thayer’s colony did not materialize, but its proposal made proslavery men more anxious about Republican intentions. Missouri appeared to be at risk, because of its geographical position, declining proportion of slaveholders, and the presence of a robust free-soil party. James DeBow asked: “Can anyone in his right mind expect to see slavery maintain itself in Missouri?”³⁷ The *New Orleans Crescent* noted that the *St. Louis Democrat* favored compensated emancipation, and ruefully concluded: “Here is a movement, powerfully supported, to transform a slave into a free State!”³⁸ An April 1857 victory by antislavery forces in a St. Louis municipal election worried many southerners. The *Columbia Times* asserted: “An anti-slavery party . . . has become an element of prominence in that State, which may, at a future date, materially affect our peculiar institution.”³⁹ An Alabama editor worried about the election’s “influence in nerving the

³⁴ “The Conservative Principle; or, Social Evils and Their Remedies: Part II—Slave Trade,” *DeBow’s Review* 22 (May 1857): 453.

³⁵ Foner, *Free Soil, Free Labor, Free Men*, 53.

³⁶ “Anti-Slavery Colonization in Virginia,” *Richmond Semi-Weekly Enquirer*, December 19, 1856; “The Virginia Colonization Scheme,” *Milledgeville Federal Union*, April 7, 1857; *Hinds County Gazette*, December 31, 1856.

³⁷ “Is Slavery Declining in Missouri?” *DeBow’s Review* 23 (November 1857): 521.

³⁸ “Emancipation in Missouri,” *New Orleans Daily Crescent* in *Hinds County Gazette*, February 25, 1857.

³⁹ “Anti-Slavery Triumph,” *Columbia Times* in *Charleston Mercury*, April 27, 1857.

courage and doubling the exertions of the Black Republican party.” He worried that “it may lead the way to similar efforts in other cities farther south.”⁴⁰ A contributor to *DeBow’s Review* shared his concern, noting that Republican politician Nathaniel Banks had expressed hope the election would “wake to life, in the slaveholding States, a free-soil vote that will sweep the hated thing away.”⁴¹ Southerners believed the Republicans were taking advantage of the relative decline in slaveholding to push their free-soil ideology in the upper South.⁴²

Proslavery concern about Republican efforts to proselytize southern nonslaveholders was intensified by a widespread belief that the party’s candidate would be elected president in 1860. After coalescing in 1854, the Republican party achieved remarkable success in the 1856 election, when its nominee carried eleven northern states and garnered one-third of the popular vote, but did not triumph.⁴³ Following the result, proslavery ideologues warned that the Republican defeat was temporary and predicted its victory in the next election. Florida governor James E. Broome told the state legislature: “The election of Mr. Buchanan gives us a respite—we dare not look with confidence for more.”⁴⁴ Privately, Governor Henry Wise of Virginia also said the election gave the South only “a respite.” He recommended: “The interval between now and ’60 we must improve by timely preparation.”⁴⁵ At a dinner in Jackson, Mississippi, Jefferson Davis told those in attendance that “in 1860, the monster crisis was to be met,” and they should “prepare for the worst.”⁴⁶ Interpreting the election, “Python” wrote: “This result has not only taught them to know their strength, but how to increase it. In 1856, John C. Frémont was taken up for trial. In 1860,

⁴⁰ “The Election in St. Louis,” *Mobile Daily Register*, April 17, 1857.

⁴¹ “South Side View of the Union,” *DeBow’s Review* 23 (November 1857): 467.

⁴² In 1858, Edward B. Bryan argued: “When we reflect that there are but 6,000 slaves in the county of St. Louis . . . and more than 130,000 whites . . . we need no longer be surprised at finding the metropolis of that large slave State in the clenched grasp of Abolitionists.”: Bryan, *Letters to the Southern People*, 37.

⁴³ Allan Nevins, *Ordeal of the Union: A House Dividing 1852-1857*, vol. 2: *The Ordeal of the Union* (New York: Charles Scribner’s Sons, 1947), 510-511.

⁴⁴ “Gov. Broom[e] of Florida,” *Austin State Gazette*, January 17, 1857. South Carolina governor James H. Adams told his state’s legislature: “Our enemies have been defeated—not vanquished.” He wanted the South to “employ the interval of repose afforded by the late election, in earnest preparation for the inevitable conflict.”: “Message No. 1,” *Charleston Mercury*, November 26, 1856.

⁴⁵ Henry A. Wise to Robert Cooke, November 26, 1856, (TS) Wise Family Papers, VHS.

⁴⁶ *DeBow’s Review* 23 (July 1857): 104.

William H. Seward will be selected for victory.”⁴⁷ Those who foresaw a Republican triumph in the next election called for southerners to be unified in defense of their region and institutions. Citizens at a public meeting in Louisiana asked: “Is not this free-soil party now so strong as to make success almost certain in the next election for the Presidency?” Answering affirmatively, the meeting resolved to “place ourselves in the best attitude of defense,” by consolidating “the strength of the Southern people.”⁴⁸ Proslavery ideologues concerned about Republican efforts to win the support of southern nonslaveholders felt a particular urgency because of their assumption that the party would gain control of the executive branch of the federal government in 1861.

Slaveholders' Contempt for Poor Whites and Discomfort With Their Presence

Advocates of slavery claimed the institution created an ineffaceable distinction between the white ruling race and the enslaved blacks, but the reality was quite different. For many slave owners, lower-class whites were a contemptible nuisance, unworthy of the franchise and a constant threat to slave discipline. Slaveholders insisted that poor whites keep their distance from slaves, and they often complained about the nonslaveholders who manned patrols. Most irksome to slave owners, because of its potentially subversive ramifications, was the trafficking of goods between poor whites and enslaved blacks. In the late antebellum period, masters demonstrated a preference for their property rights over the racial hierarchy by recommending that whites who traded with slaves be whipped or deprived of some of their civil rights. When civil war loomed, some slave owners hoped a conflict would cull useless poor white men from the population and spare those in higher stations.

Wealthy southerners indirectly expressed their low opinion of poor whites by discussing slaves' disdain for members of that class. In 1860, for example, “Octogenarian” maintained that

⁴⁷ “The Relative Political Status of the North and the South,” *DeBow's Review* 22 (February 1857): 120.

⁴⁸ “A Southern Party and Southern Principles,” *DeBow's Review* 23 (August 1857): 202.

“the African. . . despises and feels contempt for the white man who owns no negroes.”⁴⁹ In his book *Black Diamonds*, Edward A. Pollard expressed indignation at slaves’ scorn for poor whites. He complained: “I cannot bear to see negro slaves affect superiority over the poor, needy, and unsophisticated whites, who form a terribly large proportion of the population of the South.”⁵⁰ In demanding that slaves treat poor whites with respect, however, Pollard wanted the bondsmen to do what he would not. A proponent of reopening the African slave trade, he believed it would lead to slaves being sold for as little as one hundred dollars. Pollard declared:

The poor man might then hope to own a negro . . . he would at once step up to a respectable station. . . . He would no longer be a miserable, nondescript cumberer of the soil, scratching the land here and there for a subsistence, living from hand to mouth, or trespassing along the borders of the possessions of the large proprietors.

For him, the only way for a nonslaveholder to become respectable was to buy a slave and enter the master class. At the end of his diatribe against slaves’ ridicule of poor whites, Pollard wrote: “This poor, uncouth fellow, thus laughed at, scorned and degraded in the estimate of the slave, is a freeman.”⁵¹ The poor white’s status as a freeman, regularly mentioned in paeans to slavery, did not stop southern editors from vicariously joining slaves in poking fun at him. Through allegedly overheard conversations, editors imputed contempt for poor whites to slaves and applauded their discernment. In 1860, the *Petersburg Express* reported the words of one slave to another:

“All niggers ought to feel de dignity of bein’ niggers, ‘cept free niggers what dunno what dignity am. Dis minuit I’m wuff about fifteen hundred dollars . . . and a heap o’ white folks can’t say dat for deyselves. Now dar,” and he pointed to a “gentlemanly” vagrant, “is a white man; he couldn’t turn his self into money to save his life. More’n dat he ai’ wuff nuffin, he dunno nuffin, and he wo’ do nuffin.”

One editor in the succession of newspapers that printed this story said approvingly: “Gumbo is undoubtedly a genius.”⁵² The *Southern Cultivator* ran a similar item under the heading “Sensible Negro!” Instructed to climb a tree and thin the branches, the slave demurred, explaining: “Look

⁴⁹ Octogenarian, *The Origin and End of the Irrepressible Conflict* (N.p.: G. E. Elford, n.d.), 4.

⁵⁰ Edward A. Pollard, *Black Diamonds* (1859; reprint, New York: Negro Universities Press, 1968), 57.

⁵¹ Pollard, *Black Diamonds*, 54, 57.

⁵² “Property and Pride,” *Selma Reporter in Greenville Patriot and Mountaineer*, April 17, 1860.

heah, Massa, if I go up dar and fall down and broke my neck, dat'll be a tousand dollars out of your pocket. Now why don't you hire an Irishman to go up, and den if he falls and kill himself, dar won't be no loss to nobody."⁵³ Such humor, delivered through the safe medium of the slave's voice, demonstrated the casual contempt for poor white laborers endemic in the South. The idea of a poor white man having no value also appeared without that mitigating effect. The *Yorkville Enquirer* printed the opinion of a Louisiana editor on the death of two slaves from a lightning strike: "The electric field of the clouds. . . . would as soon kill a negro worth fifteen hundred and two thousand dollars, as a poor white man not worth the powder and lead that it took to blow his brains out."⁵⁴ In a society that literally placed a cash value on human beings and put persons on the market, poor whites, who could not be sold, were deemed worthless by many slave owners and their coterie.

Proslavery ideologues often revealed their opposition to democracy in the South in their discussions of the North. They elided the presence of a southern white laboring class by referring to slaves as the region's only workforce and then argued that it was bad policy for the North to grant the vote to its white laborers. One southern pamphleteer described slaves as "our laborers," and condemned the suffrage accorded to northern workers: "What advantage to the free laborer at the North is the privilege of voting. The tired artizan, the exhausted laborer, is in no situation to investigate principles and doctrines of social, political and religious liberty."⁵⁵ He ignored the fact that many white southerners pursued the same occupations as those northern men whom he would deprive of the ballot. More relevant to the status of most southern nonslaveholders was a speech delivered to the State Agricultural Society of South Carolina by Andrew P. Calhoun. In his remarks, Calhoun painted a derogatory picture of the free labor farmer:

In non-slaveholding communities, the agricultural laborer is a mere human machine for tilling the earth. . . . He works, he sells his produce, he eats, drinks, and sleeps, and takes what he can get, without one thought of what will happen to-morrow to raise the price of

⁵³ "Sensible Negro!" *Southern Cultivator* 17 (February 1859): 46.

⁵⁴ *Yorkville Enquirer*, November 24, 1859.

⁵⁵ Octogenarian, *The Origin and End of the Irrepressible Conflict*, 5, 8.

his produce. . . . the ignorant and uncouth being is the offspring of a system that has discredited man, when connected with agriculture. . . . He is the plaything of the demagogue, the tool of party.

Calhoun overlooked the fact that, even in South Carolina, about one-half of whites did not own slaves, but instead farmed with their own labor, in a manner he said rendered them unfit for the franchise. Those nonslaveholders did not enter Calhoun's understanding, for he declared: "We, of the South . . . own the laborer of the soil." Southerners, he claimed, were indebted to slaves, "for raising ourselves above the deplorable condition of pressure and ignorance that marks the condition of every other agricultural people."⁵⁶ The elevation he praised, however, was confined to an ever-shrinking minority of southern whites during the 1850s. Calhoun's speech, although directed outside the South, expressed his belief that southern nonslaveholders were unsuited for the vote and anomalous in the region's society.

Southern writers implicitly undermined the idea of equality among the white ruling race by complaining that politicians were overly solicitous to the poor and neglected the interests of propertied individuals. Georgia resident Garnett Andrews sarcastically discussed the valorization of poverty by lawmakers: "If you have property and wish to be a favorite of legislation, get rid of it, and become a vagabond . . . and your great merit and worthiness will be discovered." Later in the article, Andrews placed the poor white man on a level between blacks and wealthy whites:

He can, after whetting his appetite with a bottle of strychnine whiskey, with a stomach that grinds like a corn and cob crusher, take his wheelbarrow of provender, washing it down with a gourd of milk . . . and sleep it off like a negro. . . . He holds washing one's face, for pride and putting on airs, and would never be guilty of such dandyism, except . . . to show, that if not exactly a white man, he is not a nigger.⁵⁷

At the time of Lincoln's election, the *Southern Cultivator* printed a poem that described a poor white "of social habits." Two stanzas show the author's disdain for the idea of white equality and contempt for democratic politics:

⁵⁶ "Anniversary Address," *Farmer and Planter* 10 (January 1859): 4-5. In 1850, slaveholders were 51.5% of the free population in South Carolina; in 1860, the figure was 48.7%.: Gray, *History of Agriculture in the Southern United States to 1860*, 1:482, table 7.

⁵⁷ "The African Slave Trade," *Southern Cultivator* 17 (March 1859): 69.

The clay hath mouldered from the chinks— / The chimney tumbled too— /
And through the gap his visage blinks— / “As good a man as you!” /
The pet of all the candidates / Of all the parties; hence, / Neglectful of his fields, he sits /
Forever on the fence.⁵⁸

When the South Carolina legislature rejected a tax on dogs, which had been favored by sheep raisers, an angry supporter of the measure attributed its failure to the electoral strength of poor whites. He wrote: “Your roaming, worthless vagabond, will keep a score, and expect them to take care of themselves. But these fellows have votes my dear sir, it will never do to tax their dogs.”⁵⁹ Upon the death of a neighbor’s slave, planter David Gavin wrote that the deceased was “more deserving of respect . . . than many white men I know of, who are allowed to vote and associate as an equal with respectable people.”⁶⁰ Many slave owners clearly disliked the idea of equality with degraded poor whites and chafed at having to appeal to their democratic conceit in order to win elections.

Slaveholders tried to minimize contact between their bondsmen and nonslaveholding whites, believing that such association would erode their mastery and decrease the slaves’ value. A contributor to the *Southern Cultivator* enunciated this ideal in 1861: “Negroes should never be brought into habitual contact with white men, beyond those to whom they owe obedience.”⁶¹ Slaveholders exerted their influence to legally delimit the ability of whites to inflict corporal punishment on another person’s slave. To prevent the depreciation of masters’ human property, slave states enacted laws providing that any person injuring a slave would be liable to the owner for damages. In South Carolina, a 1740 law stated that when a slave was “beaten or imprisoned without lawful authority,” the offender would pay the master “Five Dollars for the interruption of his service and also Five Dollars per day for every day of his lost time; and also the charge for the cure of said slave.” An 1841 statute provided that anyone who “shall unlawfully whip or beat any

⁵⁸ “The ‘Poor Shoat,’” *Southern Cultivator* 18 (November 1860): 354.

⁵⁹ “Dogs vs. Sheep,” *Farmer and Planter* 11 (March 1860): 87.

⁶⁰ July 5, 1860, David Gavin Diary, SHC, mfm at SCL.

⁶¹ “The Future of the Confederate States,” *Southern Cultivator* 19 (May 1861): 138.

slave not under his charge without sufficient provocation,” would be imprisoned up to six months and fined up to \$500.⁶² Referring to that law and to one which declared the murder of a slave to be a felony, South Carolina jurist John Belton O’Neill wrote: “The Acts of 1821 and 1841, are eminently wise, just, and humane. They protect slaves . . . against brutal violence. They teach men, who are wholly irresponsible in property, to keep their hands off the property of other people.”⁶³ The laws of other southern states on violence against slaves by persons other than their owner resembled those of South Carolina. Alabama law provided: “Any person other than the master . . . who commits an assault and battery on a slave, without just cause . . . is guilty of a misdemeanor.”⁶⁴ Georgia’s code provided: “While the slave is under the dominion of his master, third persons have no right of dominion over him, farther than the laws give such right for police purposes.” It also declared that any person who beat a slave, other than “the owner, overseer, or employer,” could be fined and imprisoned, and liable to the owner for damages.⁶⁵ Louisiana imposed a fine of up to \$50 on persons who “beat a slave without being legally authorized,” and required payment of \$2 per day to the master for each day of work lost. If the slave were “forever rendered unable to work,” the offender would pay his value and be responsible for maintaining him. Violators unable to meet those expenses would be imprisoned for up to a year.⁶⁶ Tennessee provided that a person who killed someone else’s slave would pay the value to the owner, and it prohibited beating or abusing “the slave of another person.”⁶⁷ In addition to protecting slave owners’ investment, such laws supported their notions of mastery and dominion. Edwin Herriott wrote that, when he saw “a low white man, who never owned a negro in his life, imposing upon

⁶² J. L. Petigru, *Portion of the Code of Statute Law of South Carolina* (Charleston: Evans & Cogswell, 1860), 35-36.

⁶³ John Belton O’Neill, *The Negro Law of South Carolina* (Columbia: John G. Bowman, 1848), 19.

⁶⁴ *The Code of Alabama. Prepared by John J. Ormond, Arthur P. Bagby, George Goldthwaite. With head notes and index by Henry C. Semple. Published in Pursuance of an Act of the General Assembly, Approved February 5, 1852* (Montgomery: Brittan and DeWolf, 1852), 592.

⁶⁵ R. H. Clark, T. R. R. Cobb, and D. Irwin, *The Code of the State of Georgia* (Atlanta: John H. Seals, 1861), 319, 876.

⁶⁶ U. B. Phillips, *The Revised Statutes of Louisiana* (New Orleans: John Claiborne, 1856), 59.

⁶⁷ Return J. Meigs and William F. Cooper, *The Code of Tennessee. Enacted by the General Assembly of 1857-’8* (Nashville: E. G. Eastman, 1858), 512-513.

his neighbor's servant, and attempting, by violence, to make him 'subject to his will,'" he took solace in the fact that "the laws of the land, when they do get hold of such a scamp, often teach him a very different lesson for his brutality."⁶⁸

The patrol system mandated by most slave states was a regular source of complaint from slave owners, who resented the fact that it gave poor whites authority to enter the inner sanctum of the plantation and harass their slaves.⁶⁹ This onerous duty was nominally required of all white men but often fell on those who could find no way out of it. Lower-class whites were required to patrol their neighborhood at night, after working all day, to restrain someone else's slaves. Some took advantage of the opportunity to thrash slaves, while others made the duty into an outing by drinking and getting rowdy. For masters who assiduously kept their bondsmen away from poor whites and resented any who tried to exercise sway over their slaves, patrols were infuriating. A group of Mississippi slave owners complained: "The present system of Patrols . . . has not only been found entirely inefficient, but worse than useless by operating as a license to the base and vicious, to visit negro-quarters for dissolute and immoral purposes."⁷⁰ In 1860, a slaveholder in Stewart County, Georgia submitted his low opinion of patrols to an agricultural journal: "Our Patrol laws are seldom enforced, and even where there is a mock observance of them, it is by a parcel of boys, or idle men, the height of whose ambition it is to 'ketch a nigger.'"⁷¹ A Virginia master offered a scathing account of patrollers to the *Richmond Enquirer* in 1856. With many in the state calling for increased patrols because of recent insurrection scares, he discussed a point

⁶⁸ "Education at the South," *DeBow's Review* 21 (December 1856): 655-656.

⁶⁹ In 1853, South Carolina's R. F. W. Allston provided an idealized view of the planter and his dominion: "Each, independent of all persons save the indwellers and laborers of the plantation, practising there his own peculiar system, is separated from his surrounding neighbors by the recognized boundary of his broad acres.": "Address," *Farmer and Planter* 6 (February 1855): 26. Tennessee gave patrols "power to search all negro houses and suspected places within their respective districts." Virginia and North Carolina empowered patrols to visit negro "quarters" or "houses," as well as other places suspected to be the sites of illegal gatherings of slaves. Patrols in Alabama could enter any plantation, "in a peaceable manner," and also "enter by force," any "negro cabins or quarters.": Meigs and Cooper, *The Code of Tennessee*, 502; *The Code of Virginia* (Richmond: Ritchie, Dunnavant & Co., 1860), 491; Asa Biggs and Bartholomew F. Moore, *Revised Code of North Carolina, Enacted by the General Assembly at the Session of 1854* (Boston: Little, Brown and Co., 1855), 458; *The Code of Alabama*, 235.

⁷⁰ "A Memorial, addressed to the Legislature of Mississippi," RG47, Volume 27: "Petitions to the Legislature, regular sessions, 1850-1859," MDAH.

⁷¹ "The Negro and His Management," *Southern Cultivator* 18 (September 1860): 276.

which he, “in common with many others who own negroes,” knew was important, “the *character* of those appointed to patrol.” Historically, he wrote, patrols were composed of the worst sort of men, making them worse than useless:

I have known, ever since I was a boy, that it was a common practice to appoint the very rag, tag and bob tail of society, the idle, unfeeling, brutal “poor white folks,” inferior to the negro in many qualities, and despising him—not *quite* as cordially as he does *them*; who glory in this sort of temporary military authority with which they are clothed, and, making it the occasion of a *frolic*, their bad passions stirred up by drink, they maltreat the quiet, inoffensive, home-staying negro . . . they often perform their whole task with a noisy, swaggering vulgarity very offensive to the feelings of a humane master, and productive of more harm than good.

For those reasons, he preferred to “run the risk of insurrection,” unless one was imminent, rather than “have my premises visited by such gangs.” Betraying no sense of irony, he complained that it was hard for a slave and “grating to the master’s feelings” for a slave to be beaten by patrollers “while his master is asleep and unable to defend him.” He asked officials “to appoint men of the right stamp,” to patrols, “to *instruct* them as to the propriety of making their companies demean themselves properly, and to require rigidly . . . that there be no *drinking*.”⁷² Although ready with advice, this slave owner did not offer his services, highlighting the fact that patrol duty was an unpleasant task which no one wanted to perform. The patrol system heightened underlying class tensions by forcing nonslaveholders to perform the duty and by giving lower-class white men lawful access to plantations.

Slave owners employed various statutory means to limit the degree to which patrols eroded their mastery and threatened the value of their bondsmen. One strategy involved paying the men sent out, in order to attract a better quality of patrollers. In 1855, residents of Williamson County, Tennessee asked lawmakers to give patrollers “reasonable compensation for every night they ride,” so that “responsible men could be procured.”⁷³ A group in Wilkinson County, Mississippi recommended a professional system of patrols to their legislature. They advised the

⁷² “Patrols, Police, & c.,” *Richmond Semi-Weekly Enquirer*, December 23, 1856.

⁷³ Petition 44-1855, TSLA.

appointment of “a proper and suitable, and competent person” as leader in each jurisdiction, to be commissioned by the governor, take an oath of office, and receive “a salary of from \$400 to \$800.”⁷⁴ A second approach was to require slaveholders to play a prominent role in composing and leading patrols. In 1850, Mississippi law provided that “a majority of all patrol companies appointed . . . (when practicable,) shall be owners of slave property.”⁷⁵ Alabama amended its law for Pickens County in 1853, specifying that the justice of the peace “shall, if practicable, appoint a slaveholder, or some other responsible person, to be leader of each patrol detachment.”⁷⁶ State laws protected masters’ rights by restricting patrollers’ ability to punish slaves and making them liable for damages when they overstepped those boundaries. South Carolina provided that when a patrol beat a slave improperly, its members could be liable for damages of \$50. Alabama made patrollers liable for damages, “for any unnecessary violence . . . either by unnecessarily breaking or entering houses, or for excessive punishment inflicted on any slave.”⁷⁷ In Mississippi, patrol members were liable for “trespasses committed on real and personal property, and for improper or cruel punishment inflicted on slaves.”⁷⁸ North Carolina did not specify that patrollers were to be accountable for such actions, but its Supreme Court ruled that patrols were liable when their undue punishment of a slave demonstrated “malice against the master.”⁷⁹ Even as they protected society against the threat of slave insurrection, patrollers had to be sure not to decrease the value of masters’ human property. Slaveholders were less successful in limiting patrollers’ access to

⁷⁴ “A Memorial, addressed to the Legislature of Mississippi,” RG47, Volume 27: “Petitions to the Legislature, regular sessions, 1850-1859,” MDAH.

⁷⁵ *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, Held in the City of Jackson, January, February, and March, 1850* (Jackson: Fall & Marshall, 1850), 96 (hereafter cited as *Mississippi Laws, 1850*).

⁷⁶ *Acts of the Fourth Biennial Session of the General Assembly of Alabama, Held in the City of Montgomery, Commencing on the Second Monday in November, 1853* (Montgomery: Brittan and Blue, 1854), 161-162 (hereafter cited as *Alabama Acts, 1853-54*).

⁷⁷ Petigru, *Portion of the Code of Statute Law of South Carolina*, 649; *The Code of Alabama*, 236-237.

⁷⁸ *Revised Code of the Statute Laws of the State of Mississippi* (Jackson: E. Barksdale, 1857), 420 (hereafter cited as *Revised Code of Mississippi*).

⁷⁹ William Goodell, *The American Slave Code In Theory and Practice; Its Distinctive Features Shown By Its Statutes, Judicial Decisions, & Illustrative Facts* (London: Clarke, Beeton, and Co., 1853), 187. The case was “Tate v. O’Neal, 1 Hawk’s Reports, 418.” See also Biggs and Moore, *Revised Code of North Carolina*, 459, for a reference to the case.

their plantations. In 1854, Louisiana revised its law so that patrols no longer had “the right to enter plantations to visit the negro huts” unless the owner, if there, was notified, so that “he may accompany them.” That change was deemed too great a hindrance in many parts of the state, for an 1857 law repealed it in twelve parishes, and an act in 1861 repealed it in three more.⁸⁰ In that case, the imperative of public safety took precedence over the conceits of mastery.

In the late antebellum period, the southern press regularly warned slave owners to prevent lower-class whites from associating with their slaves, arguing that those whites undermined the morals of the bondsmen and conveyed subversive ideas to them. Following Harper’s Ferry, the *Carolina Watchman* asserted that public safety required that slaves and free blacks be kept from “improper association with *mean white people*.” It included natives of the South as well as non-resident peddlers and salesmen under the rubric of mean whites, calling them “internal foes,” and “enemies to our institutions.”⁸¹ Imploring its readers to bring “gospel culture” to their slaves, the *Southern Dial* warned that, otherwise, “the depraved appetites and passions of the *vicious whites*, will be doubly fed and indulged by the blacks.”⁸² In 1860, Tennessee resident A. T. Goodloe recommended close discipline in order to keep slaves from any contact with “mean white men, who are disposed to make them dissatisfied, and excite them to insurrection.” Ideally, he wrote, slaves should “not know what is going on beyond the limits of the plantation.”⁸³ Where Goodloe called on slave owners to take responsibility for their bondsmen, an Alabama newspaper wanted the state to exert its authority on behalf of masters. Claiming that “incendiary whites *can* incite the slave population to disloyal acts, *and . . . have done so*,” the *Montgomery Mail* recommended stringent efforts “for the effectual prevention of all improper contact between the slave and that

⁸⁰ *Acts Passed by the Second Legislature of the State of Louisiana, At Its First Session, Held and Begun in the Town of Baton Rouge, on the 16th January, 1854* (New Orleans: Emile La Sere, 1854), 117-118; *Acts Passed by the Third Legislature of the State of Louisiana, At Its Second Session, Held and Begun in the Town of Baton Rouge, on the 19th of January, 1857* (New Orleans: John Claiborne, 1857), 137-138; *Acts Passed by the Fifth Legislature of the State of Louisiana, At Its Second Session, Held and Begun in the City of Baton Rouge, on the 21st of January, 1861* (Baton Rouge: J. M. Taylor, 1861), 64.

⁸¹ “The Remedy for the South,” *Salisbury Carolina Watchman*, November 29, 1859.

⁸² “Morals Among the Slave Population,” *Southern Dial* in *Greenville Southern Enterprise*, March 4, 1858.

⁸³ “Management of Negroes—Caution!” *Southern Cultivator* 18 (October 1860): 305.

class of the white population whose influence is prejudicial to his interest and safety.” It decried the absence of laws meant to “protect our slaves fully from the contamination of association with unprincipled white men.”⁸⁴ The *Mail* implied that, like free blacks, “worthless whites” were an anomalous group which the South would be better off without. It said the “social *status*” of the free black, “places him among the slaves and a class of whites who have no interest or feeling in respect to the preservation of the castes which grow out of” slavery.⁸⁵ To preserve the integrity of slave society, the *Mail* recommended several changes to Alabama law, including the expulsion of free blacks illegally residing in the state. Most significant, it asked the state to “provide a statute for the punishment of idle and disorderly whites who habitually associate with negroes with whom they have no lawful business.”⁸⁶ Politicians and editors who were sympathetic to poor whites criticized the tendency of such recommendations. When the Tennessee legislature debated the compulsory removal of free blacks from the state, Representative William L. Martin objected, warning that it could lead to the eviction of other undesirable groups. “If we passed this bill,” he said, the legislature “would have a precedent for passing a law expatriating another class of persons.” Specifying the class that slaveholders might next seek to eliminate, Martin stated: “The poor white men of Tennessee would begin to fear that they would be the next class to be driven out of the state.”⁸⁷ In 1861, the unionist *Knoxville Whig* printed comments of the *Mobile Mercury*, to show “the poor man . . . in what estimation he is held by the secessionists.”⁸⁸ The *Mercury* had complained: “Slaves are constantly associating with low white people who are not slave owners. Such people are dangerous to a community, and should be made to leave our city.”⁸⁹ In choosing

⁸⁴ “Proposed Amendment of Some of Our Domestic Regulations,” *Montgomery Mail*, January 1, 1857.

⁸⁵ “Proposed Amendment of Some of Our Domestic Regulations. No. II,” *Montgomery Mail*, January 2, 1857. The newspaper described free blacks as a “class” whose “existence is abnormal.”

⁸⁶ “Proposed Amendment of Some of Our Domestic Regulations. No. III,” *Montgomery Mail*, January 3, 1857.

⁸⁷ *Legislative Union and American, Embracing Brief Sketches of the Proceedings and Debates, of the Thirty-Third General Assembly of the State of Tennessee*, vol. 2 (Nashville: E. G. Eastman & Co., 1859-60), 364 (hereafter cited as *Legislative Union and American, 1859-60*). Martin represented Wilson County.

⁸⁸ “The Poor White Man and the Naturalized Citizen,” *Knoxville Whig*, February 16, 1861.

⁸⁹ *Mobile Mercury* in “The Poor White Man and the Naturalized Citizen,” *Knoxville Whig*, February 16, 1861. The *Whig* also printed the *Mercury*’s words one month earlier, in “A Southern Confederacy,” *Knoxville Whig*, January 26, 1861.

those words to condemn disunion, the *Whig* drew attention to an opinion held by many slave owners with regard to poor whites.

A number of states facilitated masters' efforts to insulate their slaves from contact with lower-class whites by prohibiting various forms of interracial association. Gambling between whites and blacks, for example, was prohibited by many slave states. In South Carolina, a white man convicted of gambling with free blacks or slaves could receive up to thirty-nine lashes and be fined or imprisoned, at the court's discretion.⁹⁰ The use of corporal punishment demonstrated slave owners' desire to degrade whites who interfered with their mastery over slaves. Louisiana imposed a fine of up to \$1,000 and imprisonment of up to one year on whites who gambled with blacks; Georgia allowed the court to decide whether to fine or imprison whites convicted of the crime.⁹¹ Some states bowed to masters' concerns by authorizing patrollers to arrest suspicious whites, in addition to their regular duty of policing slaves. In 1860, Alabama passed a law giving its patrols "authority to apprehend any white person who may be found by them consorting with slaves, or loitering about negro cabins." The statute also provided that, in the patrol's absence, "any three freeholders or slaveholders" could arrest a suspicious white person.⁹² At the same time, Tennessee lawmakers considered a measure involving patrols and disreputable whites. The seventh section of a bill "to authorize the appointment of a patrol," read:

If said patrol shall at any time discover any white man in secret conclave with any slave or slaves; or at the house of any free negro at an unusual hour, or holding a protracted conversation, with any slave not his own or over whom he has no legal control said patrol shall arrest such white man.

That provision would have codified slaveholders' demand that poor whites be prevented from associating with slaves. Although the bill was rejected on January 21, 1860, its coincidence with

⁹⁰ Petigru, *Portion of the Code of Statute Law of South Carolina*, 36.

⁹¹ *Acts Passed by the Fourth Legislature of the State of Louisiana, At Their Session Begun and Held in the Town of Baton Rouge, on the 19th Day of January, 1852* (New Orleans: G. F. Weisse, 1852), 16 (hereafter cited as *Louisiana Acts, 1852*); Clark, Cobb, and Irwin, *The Code of the State of Georgia*, 880.

⁹² *Acts of the Seventh Biennial Session of the General Assembly of Alabama, Held in the City of Montgomery, Commencing on the second Monday in November, 1859* (Montgomery: Shorter & Reid, 1860), 101 (hereafter cited as *Alabama Acts, 1859-60*).

the Alabama law suggests a trend toward using state power to enforce slaveholders' desire that lower-class whites give their bondsmen a wide berth.⁹³ Slave owners tried to prevent interracial sex and cohabitation, being loath to see the color line openly transgressed in those areas. In 1855, Florida legislators considered a bill which provided that any white person "who shall live in an open state of adultery . . . with any Negro . . . or other colored male or female," would be fined \$500 or imprisoned for up to three months.⁹⁴ In 1860, a group of residents of Barnwell District, in South Carolina, petitioned for a law against interracial cohabitation. They complained that "white men in this community are frequently found living in open connection with negro and mulatto women." Those men, the petitioners argued, were "assailing the institution of slavery through the process of a tolerated amalgamation."⁹⁵ The legislature did not act on the petition, agreeing to a committee report which declared: "The evil complained of cannot be prevented by legislation."⁹⁶ Alabama lawmakers, on the other hand, believed legislation was an appropriate remedy and passed a measure in 1858. Section five of an act amending the law "in relation to rape, incest and adultery," declared that "any white person who lives in adultery, or fornication, with a slave, or free negro," would be fined between \$100 and \$300 and could be imprisoned for up to six months.⁹⁷ If the law failed to respond, southerners were willing to use extralegal means to enforce proper behavior. A Mississippi vigilance committee, formed to deal with white persons "who trade and traffick, and furnish liquor to slaves," included interracial sex among the activities it planned to terminate. The committee objected to certain "houses kept by white women, to which runaway, and other slaves can with facility resort." In these houses, the committee asserted,

⁹³ SB167, in Senate Bills 1859-60, RG60: Legislative Materials, TSLA.

⁹⁴ Julia Floyd Smith, *Slavery and Plantation Growth in Florida, 1821-1860* (Gainesville: University of Florida Press, 1973), 107. The bill passed the House, but was indefinitely postponed by the Senate.

⁹⁵ Petition 1860-28 in S165015: Petitions to the General Assembly, SCDH. The petitioners asked the legislature to make it "an indictable offence, for any white man, resident in this State, to live in open connection with a negro or mulatto woman."

⁹⁶ Report 1860-32 in S165005: Committee Reports, SCDH. The petition, referred to as "praying further legislation in reference to colored population," was referred to the House Committee on Colored Population.

⁹⁷ *Acts of the Sixth Biennial Session of the General Assembly of Alabama, Held in the City of Montgomery, Commencing on the Second Monday in November, 1857* (Montgomery: N. B. Cloud, 1858), 266-267 (hereafter cited as *Alabama Acts 1857-58*).

slaves drank liquor, gambled, discussed politics, “and even by some of said women have their lustful desires gratified.” Interracial sex, in this case, was one of several activities that subverted the racial hierarchy espoused by slaveholders. The committee declared that “the offenses mentioned will be no longer tolerated,” and warned that transgressors “will be dealt with in a summary and terrible manner.”⁹⁸ Poor whites’ persistence in associating with slaves was a constant irritant to slaveholders.

Slave owners reserved particular ire for white persons who engaged in unauthorized trade with their bondsmen. White traffickers were accused of corrupting slaves’ morals by supplying them with liquor and encouraging theft. The *Farmer and Planter* printed a sensational depiction of a trafficker’s activities: “Concealing himself in the *dark of night*, pandering to the appetite of his *neighbor’s slave*, taking from him *stolen goods*, and in exchange, giving him *Whiskey*.”⁹⁹ In 1857, a South Carolina newspaper wrote that “more injury is done to the slaves, by trafficking with them than in any other way.”¹⁰⁰ Two years later, the grand jury for Richland District, in the same state, told the legislature: “There is no evil of our times that demands more pressing an immediate and entire suppression than the illicit traffic with slaves.”¹⁰¹ More than one hundred residents of Kanawha County, Virginia signed a petition describing the traffic as an “offense of such exceeding magnitude, as to demand from the legislature its gravest consideration.” Asking lawmakers to provide against the crime, the petitioners cited “the principles of humanity, the protection of the slave, [and] the magnitude of the interests of the slave owners.”¹⁰² Southerners demonstrated their hatred of white traffickers by casting them beyond the pale of decent society and placing them on a level with abolitionists. A correspondent of the *Charleston Mercury* told

⁹⁸ Vigilance Committee Report, n.d., Alexander K. Farrar Papers, LSU. There are three versions of the report in the Farrar papers, all of which correspond in essentials.

⁹⁹ “The State Fair—Plantation Police, &c.,” *Farmer and Planter* 8 (March 1857): 67.

¹⁰⁰ *Laurensville Herald* in “Trafficking with Slaves again,” *Farmer and Planter* 8 (July 1857): 170.

¹⁰¹ Presentment 1859-50 in S165010: Grand Jury Presentments, SCDAH.

¹⁰² “Petition of sundry citizens of Kanawha Co. praying the passage of a law making it a penitentiary offence to sell ardent spirits to slaves,” n.d., General Assembly, Legislative Petitions, LVA. (Hereafter “General Assembly, Legislative Petitions” is abbreviated to “LP.”)

his fellow slave owners that whites who participated in “illegal traffic with our slaves” were a “class who can have little or no sympathy with our position.”¹⁰³ In his diary, David Gavin wrote of a group of slaves found with liquor, “which they had no doubt bought of mean democratic white men who are no better than abolitionists.”¹⁰⁴ Many who asked their state governments to eliminate the trade claimed that traffickers were as much to blame for slave unrest as northern abolitionists. Citizens of two Virginia counties argued that “two existing and wide spread evils,” were the “causes of the corrupting of the habits and morals of slaves, and of infusing into their minds . . . the spirit of insubordination.” The two evils were “places for the unlicensed selling of intoxicating liquors to slaves, or carrying on with them other illegal traffic,” and “the intercourse with slaves . . . of persons . . . who in many cases are . . . emissaries of Northern associations.”¹⁰⁵ Months later, in November 1860, residents of three counties in North Carolina ascribed similar malevolent powers to white traffickers. Their petition declared that the increase in “crime and insubordination” among slaves could be attributed to: “The . . . inefficient system of Patrol . . . occasional reckless *tampering* by incendiaries from abroad—but mainly to . . . evil-disposed persons located in our midst—who carry on an unlawful traffic with slaves.”¹⁰⁶ For many slave owners, the most immediate danger to the value of their human property came not from distant abolitionists, but rather from the local poor whites who traded goods with slaves.

The most worrisome aspect of the traffic was that it allowed other whites to interpose their influence between master and slave. Objecting to the governor’s pardoning of individuals convicted of trafficking with slaves, a contributor to a South Carolina newspaper said the crime

¹⁰³ *Charleston Mercury*, December 2, 1857.

¹⁰⁴ October 29, 1860, David Gavin Diary, SHC, mfm at SCL.

¹⁰⁵ “Petition of sundry citizens of the County of Louisa praying for the passage of more efficient laws to prevent illegal dealing with slaves; to prevent peddling and dealing by itinerant strangers,” December 21, 1859, LP, LVA. The legislature received another copy of the petition from other citizens of the county on January 6, 1860. The same petition was also submitted by residents of Fauquier County in January: “Petition of citizens of Fauquier . . .,” January 10, 1860, LP, LVA.

¹⁰⁶ “A Memorial to pass more stringent laws against trading with slaves,” November 27, 1860, Petitions, General Assembly, Session Records, 1860-61, NCDAH. (Hereafter “General Assembly, Session Records” is abbreviated to “GA.”) The memorial came from “citizens of Mecklenburg, Iredell, and Cabarrus Counties.”

threatened “the direst consequences to society at large, and to the owner of slaves particularly.” He offered a detailed explanation of the manner in which traffickers insinuated themselves into the loyalties of slaves:

The Negro-trader puts himself upon a footing of social equality, to a great extent, with the slave—he admits him into his dwelling, in the very bosom of his family, at unseasonable hours—teaches him to regard *him* as his friend, and his master as his enemy—teaches him, without compunction to steal, to rob and to falsify, and furnishes him moreover with that obnoxious and pernicious *draught*, that unsettles his reason . . . and renders him fit for outrage, crime, and murder.

From there, the author continued, the master-slave relationship entered a downward spiral, with the slave’s disobedience being met with severe discipline from the master. As this occurred, the slave would receive “sympathy and counsel from his quondam friend, the trader,” increasing his alienation from the master. In time, “the very villains, who have corrupted the slave, will have it in their power to excite him to open insurrection.”¹⁰⁷ Calling for the termination of liquor sales to slaves in 1859, a South Carolina resident said the traffic seduced slaves “into thefts or deeds of violence,” encouraged “insubordination to their owner’s will,” and displaced slaves’ loyalties from their masters to other whites. The liquor traffic, he wrote, enticed slaves “from the service of their owners, to the service of other persons,” and enabled traffickers “to have, and to exercise an undue influence over slaves in many ways, to the prejudice . . . of their owners.”¹⁰⁸ Petitioners in North Carolina complained: “The gradual steps by which exacting villainy acquires its bad influence over the passive nature of the negro in the temptation to ordinary theft—fully prepares him, for the suggestions of malignity and hate.”¹⁰⁹ In the 1840s, a group organized to interdict the traffic expressed similar concerns about its interference with the relationship between master and slave. The Savannah River Anti-Slave Traffick Association contended that slaves who received liquor for stolen goods were “instructed that they have the right to steal the fruits of their own

¹⁰⁷ “Executive Clemency vs. Negro Trading,” *Sumter Watchman*, February 11, 1857.

¹⁰⁸ “The Retail License Liquor-Law of South Carolina,” *Yorkville Enquirer*, November 3, 1859.

¹⁰⁹ “A memorial to pass more stringent laws against trading with slaves,” November 27, 1860, Petitions, GA, 1860-61, NCDAH.

labours, and indirectly, not unfrequently directly taught to regard their owners, and especially their overseers, as unjust and unfeeling oppressors.”¹¹⁰ For slave owners, the traffic threatened the value of their slave property and impinged on their sense of mastery and unfettered dominion over their bondsmen.

In an effort to stop the traffic, or at least mete out a punishment commensurate with the crime, slaveholders pushed for offenders to be publicly whipped. Believing that white traffickers voluntarily put themselves on a level with slaves, masters wished to chastise them accordingly. A writer to the *Farmer and Planter* wanted the law to make offenders feel the punishment “of *caste* and *disgrace*.”¹¹¹ In 1849, the grand jury for Sumter District in South Carolina declared that slave trafficking “calls for some *other severe* and *degrading inflictions*, in addition to the penalties *now* in force”¹¹² During its session that year, the state legislature considered a bill to provide for whipping traffickers, “not exceeding thirty-nine lashes.” The measure passed the House but died in the Senate.¹¹³ Proponents of whipping were not deterred and renewed their efforts in advance of the 1850 session. Residents of Barnwell District contended that the “present punishment” was insufficient and recommended “corporal punishment for the second conviction” of whites who trafficked with slaves. Their petition explained: “This is the most efficacious of all remedies ever devised for dishonesty and should properly attach to a species of crime, more injurious to a slaveholding community than any.”¹¹⁴ Governor Whitmarsh Seabrook lent a degree of support to the idea, saying: “Unlawful trading and trafficking with slaves . . . is perhaps one of the very few offenses deserving of corporal punishment.”¹¹⁵ At the 1850 session, lawmakers responded with

¹¹⁰ *Preamble and Regulations of the Savannah River Anti-Slave Traffic Association. Adopted November 21st, 1846* (N.p., n.d.), 5.

¹¹¹ “Trafficking with Negroes,” *Farmer and Planter* 8 (June 1857): 144.

¹¹² Presentment 1849-28 in S165010: Grand Jury Presentments, SCDAH.

¹¹³ “A Bill To increase the penalty for selling spirituous liquors to a slave,” S165001: Acts, Bills, and Joint Resolutions, 1849 Session, SCDAH.

¹¹⁴ Petition ND-2787 in S165015: Petitions to the General Assembly, SCDAH. The petition is undated, its date was determined by the committee report on it. See Report 1850-48 in S165005: Committee Reports, SCDAH.

¹¹⁵ Quoted in Howell Meadoes Henry, *The Police Control of the Slave in South Carolina* (1914; reprint, New York: Negro Universities Press), 89-90.

two bills that provided for whipping slave traffickers up to thirty-nine lashes.¹¹⁶ The House Committee on Colored Population, however, rejected the idea of whipping white men. Its report on the Barnwell District petition declared: “The infliction of corporal punishment in a slave holding community and in the presence of slaves is calculated to create improper feelings & notions . . . to degrade the white man to a level with the negro would be bad policy.” By whipping slave traffickers, the committee believed, the state would blur the color line and place all whites at risk. That argument carried the day, and the legislature dropped the measures for the time being.¹¹⁷

Efforts to impose whipping on slave traffickers continued throughout the 1850s. In 1853, the grand jury for Spartanburg District recommended it to the legislature, without effect.¹¹⁸ A groundswell of support appeared in many parts of South Carolina in 1857. The grand jury in Clarendon District said “existing enactments” were inadequate and suggested that “degrading penalties would seem as the only remaining expedient.” Public whipping, the jury argued, was particularly appropriate for “the basest of all perfidies to cast[e]s and society and of all treasons to Southern Interests.”¹¹⁹ Grand juries in Williamsburgh, Kershaw, Sumter, Union, and Fairfield districts also called for lashing slave traffickers.¹²⁰ A public meeting in Darlington passed a resolution stating that “public whipping should be the punishment for the second offense.”¹²¹ In response to the clamor, lawmakers introduced two bills providing for the corporal punishment of

¹¹⁶ “A Bill To increase the penalty for selling spirituous liquors to a slave,” S165001: Acts, Bills, and Joint Resolutions, 1850 Session, SCDH; “A Bill To alter the punishment of Negro Trading in certain cases,” S165001: Acts, Bills, and Joint Resolutions, 1850 Session, SCDH.

¹¹⁷ Report 1850-48 in S165005: Committee Reports, SCDH. The House agreed to the report on December 20, 1850. In reporting on one of the two bills, the committee asserted that existing law, “if enforced,” was sufficient, and recommended no further legislation. See report with “A Bill To increase the penalty for selling spirituous liquors to a slave,” S165001: Acts, Bills, and Joint Resolutions, 1850 Session, SCDH.

¹¹⁸ Henry, *The Police Control of the Slave in South Carolina*, 90.

¹¹⁹ Presentment 1857-5 in S165010: Grand Jury Presentments, SCDH.

¹²⁰ Presentments 1857-7, 1857-10, 1857-14, and 1857-15 in S165010: Grand Jury Presentments, SCDH; Fairfield District: Court of General Sessions Journal, 1840-1863, 110, SCDH.

¹²¹ “Trading With Negroes,” *Darlington Family Friend* in *Chester Standard*, August 13, 1857. An account of the meeting also appeared in “Negro Trading,” *Montgomery Mail*, August 17, 1857.

slave traffickers on their first conviction.¹²² The two bills, and five of the six presentments cited above, were referred to the Committee on Colored Population, which opposed similar proposals in 1850. In its report, the committee said it was “not prepared to adopt the severe & degrading penalty recommended . . . for the first offence,” and recommended language providing that a person “not being a white female,” could be whipped on a second conviction.¹²³ The legislature passed that version of the bill, and traffickers were subject to receive up to thirty-nine lashes on their second conviction.¹²⁴ In 1858, North Carolina lawmakers considered “A Bill for the more effectual suppression of trading with slaves,” which would have imposed the same punishment on traffickers in that state. The bill received a favorable committee report but was rejected by the House in February 1859.¹²⁵

Slaveholders tried to eliminate traffickers’ privileges of white citizenship by calling for the imposition of civil disabilities, and the admission of slave testimony, against them. In 1852, the grand jury for Charleston District described “the unlawful traffic with slaves,” as a “kind of self-degradation of white men below the level of the most degraded negroes.” The jury advised:

The remedy is to be found in destroying the class who thus interfere between the slave and the owner . . . by directing against them the severest penalties. . . . Any one who has ever been convicted of unlawful trafficking with, harboring or keeping gambling establishments for slaves, should be deprived forever of the right of suffrage, the holding of any office of honor or profit, civil or military, and . . . [of] sitting in judgment in our Courts on the lives and property of the citizens.¹²⁶

For their offenses against slaveholders, whites who trafficked with slaves would be stripped of the basic elements of citizenship. The presentment, with two others, and a memorial on the subject, was referred to the Committee on Colored Population. In its report, the committee

¹²² “A Bill To increase the penalties for secretly trading and trafficking with slaves,” S165001: Acts, Bills, and Joint Resolutions, 1857 Session, SCDH; “A Bill To amend the Law in relation to trading with Slaves,” S165001: Acts, Bills, and Joint Resolutions, 1857 Session, SCDH.

¹²³ Report 1857-89 in S165005: Committee Reports, SCDH; “A Bill To amend the Law in relation to trading with Slaves,” S165001: Acts, Bills, and Joint Resolutions, 1857 Session, SCDH.

¹²⁴ Petigru, *Portion of the Code of Statute Law of South Carolina*, 35.

¹²⁵ HB67, GA, 1858-59, NCDH. The Committee on Slaves and Free Persons of Color recommended passage with an amendment giving courts discretion to inflict whipping or up to six months’ imprisonment. That amendment was adopted before the bill’s defeat.

¹²⁶ Presentment 1852-6 in S165010: Grand Jury Presentments, SCDH.

declared that, “of all the remedies proposed,” it favored the Charleston grand jury’s suggestion of “the disfranchisement of all persons hereafter convicted of this crime.”¹²⁷ Several years later, a vigilance committee in Cartersville revived the draconian idea, declaring that “the law should disqualify any one, convicted of unlawfully trading with a slave from giving evidence in any of the legal tribunals of the State, from voting at any election, and from enjoying any of the rights or privileges of a citizen.”¹²⁸ As they sought to derogate traffickers’ citizenship, slave owners claimed that the rights accorded to such whites shielded them from justice. The *Montgomery Mail* contended that a main cause of the state’s inability to curtail the traffic was that “negro testimony is excluded, under a general rule . . . against the white man.”¹²⁹ A writer in the *Farmer and Planter* complained that the “social privileges” of white traffickers were “taken into the account,” with the result that “the offender is protected and free by the laws he so wantonly despises.”¹³⁰ Residents of Louisa County, Virginia complained that traffickers and abolitionists evaded punishment because “the evidence of negroes, under our present law, is not admissible against a white person, even though such person may be . . . a receiver of stolen goods, or a Northern abolition emissary.” While they denied suggesting “precise remedies” to lawmakers, their petition clearly demonstrated a desire to see the testimony of blacks admitted against local traffickers and northern abolitionists.¹³¹ The use of black testimony against traffickers would have met the dual purposes of gaining more convictions and degrading those whites to the level of the slave.

Perpetually dissatisfied with the state’s inability to interdict the illegal traffic with their bondsmen, slaveholders formed vigilance committees to inflict the degrading punishments they

¹²⁷ Report 1852-36 in S165005: Committee Reports, SCDAH. Accordingly, the committee recommended passage of two bills, one “to amend the constitution in reference to the qualification of voters,” and a second, “in relation to the qualification of Jurors.”

¹²⁸ “Trading With Negroes,” *Darlington Family Friend* in *Chester Standard*, August 13, 1857. An account of the meeting also appeared in “Negro Trading,” *Montgomery Mail*, August 17, 1857.

¹²⁹ “Proposed Amendment of Some of Our Domestic Regulations,” *Montgomery Mail*, January 1, 1857.

¹³⁰ “The State Fair—Plantation Police, &c.,” *Farmer and Planter* 8 (March 1857): 67.

¹³¹ “Petition of sundry citizens of the County of Louisa . . .,” December 21, 1859, LP, LVA. One of the signers, however, specified that black testimony should only be admitted against northerners. Robert E. Porter wrote next to his signature: “The legislature should not take the evidence of a negro against any man born south of Masons and Dixons line but shall . . . against northern fanatics and incendiaries[.] They cannot demur for they admit the negro morally socially & politically adequate to themselves.”

thought appropriate to the offense. Reporting on a public meeting in Darlington, South Carolina, a local newspaper stated: “Until the law provides a sufficient punishment, it will not be asked to interfere between the public and the negro trader in this District.”¹³² Complaining of executive pardons granted to convicted traffickers, a South Carolina man hinted that slave owners might take the law into their own hands. He declared: “*Judge Lynch* is an arbitrary and inflexible *magistrate* . . . but there are circumstances and persons, which render it a necessity, to seek the interposition of an officer, whose decrees are irrevocable.”¹³³ Petitioning for stricter laws against the sale of liquor to slaves, over one hundred Tennesseans warned: “If the law does not restrain & stop the traffic bad consequences May result between the traffickers & the slave holders.”¹³⁴ In 1857, after expelling a man for selling liquor to slaves, a group of Virginia residents promised to “search, whip and drive off all gypsies, peddlers, sellers of spirits to slaves without license and permission from their owners, and all suspicious itinerants.”¹³⁵ In 1846, the South Carolina slave owners who created the “Savannah River Anti-Slave Traffick Association” were forced to deny the claim that it was a group formed “to oppress the poor.” Members of the Association ascribed that “ridiculous falsehood” to persons “interested . . . in upholding this infamous traffick,” and tried to dissociate the body of local poor whites from those who engaged in the illegal trade with slaves. The Association’s preamble said the claim was “a calumny upon the Poor,” and declared: “It amounts to asserting that the poor of this community derive their support from trading with slaves, for if they do not, how can they be oppressed by . . . the suppression of this trade?” Those who trafficked with slaves, the Association said, endangered the lives and property of all whites, not just slaveholders. Its preamble stated: “The poorest man in this community though he possess no slave, if he is honest . . . is as much interested as the largest slaveholder in the purposes of this

¹³² “Trading With Negroes,” *Darlington Family Friend* in *Chester Standard*, August 13, 1857.

¹³³ “Executive Clemency vs. Negro Trading,” *Sumter Watchman*, February 11, 1857.

¹³⁴ “Citizens of Maury County to Tennessee Assembly,” in Loren Schweninger, ed. *The Southern Debate over Slavery*, vol. 1, *Petitions to Southern Legislatures, 1778-1864* (Urbana: University of Illinois Press, 2001), 237-238.

¹³⁵ *Cheraw Pee Dee Herald*, January 27, 1857.

association.” Poor whites had property which could be stolen by corrupt slaves, and, moreover, they would suffer the most from the undermining of slavery. “Amid the wreck of property and scenes of violence which must follow the subversion of our slave system,” the preamble warned, the poor man “stands the most defenceless, and must be among the earliest victims.”¹³⁶ Slave owners had to be sure their apprehension of white traffickers did not alienate nonslaveholders.

As the likelihood of a conflict with the North increased, some slave owners expressed hope that poor whites would bear the brunt of the fighting and preserve the lives of more useful citizens. In 1860, the Mississippi legislature considered a bill to prohibit marriage between first or second cousins and to declare the children of any such unions illegitimate.¹³⁷ The committee to which it was referred opposed the measure, arguing that “the present threatening aspect of our public affairs,” made it incumbent upon the South “to increase her population in every possible manner.” Its report elaborated:

Should it be objected that the offspring of the marriage of cousins are apt to be lacking in sense, your committee would reply that a fool will stop a bullet as well as a man of sense and may even save the life of a smarter and better man, and in that way become of great use, and in these times we cannot afford in the South to dispense with any who may be able to perform so useful an office, fools though they may be.¹³⁸

While the committee referred specifically to persons with mental disabilities, its report showed contempt and disregard for all subordinate whites. The House followed the committee’s advice and indefinitely postponed the bill in February 1860.¹³⁹ After Virginia seceded from the Union, Governor John Letcher received several letters from persons concerned that the most expendable white men were avoiding military service. A writer identified only as “Harston” told Letcher: “There are a great many mean men who . . . won’t join a volunteer company[.] I think it advisable to take them & return some of the volunteers it is a shame to kill up so many or all of the best

¹³⁶ *Preamble and Regulations of the Savannah River Anti-Slave Traffick Association*, 6-7.

¹³⁷ “A Bill entitled an act to prevent the marriage of cousins,” RG 47, Volume 28: “Original bills introduced at the regular session, January 1860-February 1860,” MDAH.

¹³⁸ “Report—Cousins Bill,” RG 47, Volume 28: “Original bills introduced at the regular session, January 1860-February 1860,” MDAH. The report issued from the House Committee on Military Affairs.

¹³⁹ “A Bill entitled an act to prevent the marriage of cousins,” RG 47, Volume 28: “Original bills introduced at the regular session, January 1860-February 1860,” MDAH.

men of [the] country and [leave] the very dregs of creation unhurt.”¹⁴⁰ F. T. Anderson of Glenwood called for a draft, claiming that the volunteer system was draining the state of its best men. He compared the situation in Virginia to that in the North:

Who are volunteering in Virginia? The flower of our youth, & . . . the best men of our country. It is not so at the North. Pecuniary motives influence that class of the population who are regarded as mischievous or dangerous to society . . . to volunteer. And their armies are comprised in a large proportion of that class of men whose removal from the communities where they have lived, never to return, would be regarded as a blessing. . . . Not so in Virginia. That class of people are not volunteering here. And the battles of the country are to be fought by those . . . whose sacrifice would be an irreparable loss. . . . While those who could be best spared, stay at home.¹⁴¹

In late June 1861, Alphonse Smith, a resident of Lexington, Virginia, expressed the same idea, asking the governor to draft men in that area who refused to volunteer. The men, he wrote, were “of no material advantage to the interest of the country, for they can be spared better than they can be retained.”¹⁴² For many proslavery men, the elimination of large numbers of poor whites, who were potential opponents of the institution, would have been a happy incident to the war.

Representation and Taxation

Always conscious of the large nonslaveholding population in their midst, slave owners tried to screen their property interest from the democratic process by maintaining institutional safeguards against unfriendly legislation and excessive taxation. Older seaboard states, like the Carolinas and Virginia, apportioned legislative representation in ways that allowed a minority of white citizens, located in the highest slave-holding counties, to elect a majority of lawmakers. In addition, several states, including North Carolina, Tennessee, and Virginia, specified how slaves would be taxed in their constitutions, protecting that one form of property from the vicissitudes of annual revenue laws. The effect of those constitutional provisions was that slaves, the earmark of

¹⁴⁰ Harston to Governor Letcher, May 25, 1861, RG3: Governor’s Office, John Letcher Executive Papers, LVA. (Hereafter “RG3: Governor’s Office, John Letcher Executive Papers” is abbreviated to “Letcher Executive Papers.”)

¹⁴¹ F. T. Anderson to Governor Letcher, May 29, 1861, Letcher Executive Papers, LVA.

¹⁴² Alphonse Smith to Governor Letcher, June 27, 1861, Letcher Executive Papers, LVA.

wealth, were taxed at a lower rate than other forms of property. Intended to perpetuate slavery, these privileges endangered its future by threatening to alienate nonslaveholders. To men without slaves, the treatment accorded to slaveholders and their property contradicted the egalitarianism of the Republic in obvious and critical ways. For three decades before the Civil War, spokesmen for nonslaveholders' interests honed a simple but compelling argument in favor of two reforms. In the area of representation, they demanded the *white basis*, under which the number of white inhabitants would be the only criterion in apportioning the legislature. For purposes of revenue, they favored adoption of the *ad valorem* principle, by which all property would be taxed at the same percentage of its value. By resisting these demands, slaveholders called into question the legitimacy of their domination of southern society.

Slave states used a variety of means to apportion their legislatures, with some including the black population and others making provision for tax revenues. By including slaves, these states followed the example of the United States Constitution, which counted three-fifths of the slave population in apportioning the House of Representatives.¹⁴³ Older states generally used a mixed basis, combining elements of white and black population with tax revenues. Louisiana determined representation in both of its legislative chambers by "total population," enhancing the power of black belt areas.¹⁴⁴ In South Carolina, the distribution of senators was static, as follows: "One member for each Election District, except St. Philip's and St. Michael's, which is entitled to two." It made no provision for demographic change, so that rotten districts kept one senator, while growing districts were limited to one. In apportioning its lower house, the state gave equal weight to "the number of white inhabitants," and "the amount of all taxes raised."¹⁴⁵ In North Carolina, the Senate was apportioned "in proportion to the public taxes paid," while seats in the House were allotted on the basis of "federal population."¹⁴⁶ By including property and the black

¹⁴³ Federal representation was determined "by adding to the whole number of free persons . . . three-fifths of all other persons." U.S. Constitution, art. 1, sec. 2.

¹⁴⁴ Louisiana Constitution (1852), title 2, arts. 8 and 15.

¹⁴⁵ South Carolina Constitution (1808), art. 1, secs. 3 and 7.

¹⁴⁶ North Carolina Constitution (1835), art. 1, sec. 1.

population, these states granted high slave-holding regions inordinate power in making the laws. In the newer slave states, neither property nor the black population was represented. Alabama distributed its representatives and senators according to the number of “white inhabitants.”¹⁴⁷ In Mississippi, seats in the House and the Senate were apportioned “according to the number of free white inhabitants.”¹⁴⁸ These provisions suited residents who, while not abolitionists, would have resented being controlled by slaveholders. In February 1861, for example, former Mississippi resident William Need chided Governor John J. McRae for supporting secession. Need appealed to “the memory” of several “old Democrats,” to whom he referred as “the pillars of Eastern Mississippi Democracy.” He asked: “Did they not oppose the ‘Black basis’ of Mississippi representation in the Legislature and think you they would join South Carolina and submit to Slavery rule?” Need explained his view of the basis of apportionment: “I am not opposed to slavery, *per se*; but I would be opposed to Adams and Wilkinson, Hinds and Yazoo counties ruling East Mississippi.”¹⁴⁹ Nonslaveholders who, like Need, were not philosophically opposed to slavery, were at odds with masters in states that included property or the black population in their basis of apportionment.

The 1849 indictment of a northern man at Spartanburg, South Carolina on the charge of circulating incendiary publications demonstrated slave owners’ refusal to brook any criticism of their domination of the state government. In June 1849, a group of local men visited Ohio native John M. Barrett at his Spartanburg hotel and demanded to search his possessions. Among his effects, they found three copies of “the celebrated incendiary publication” written by “Brutus.” That discovery led to Barrett being arrested and held for trial.¹⁵⁰ Brutus was the pseudonym of

¹⁴⁷ Alabama Constitution (1819), art. 3, secs. 9 and 10.

¹⁴⁸ Mississippi Constitution (1832), art. 3, secs. 9 and 10.

¹⁴⁹ William Need to John J. McRae, February 8, 1861, John J. McRae Papers, MDAH. Need cited the examples of “Sam Dale, Sam Ellis, Gen. Cunningham and Arthur Fox.”

¹⁵⁰ “Abolitionist Arrested,” *Spartanburg Spartan*, June 14, 1849; *Spartanburg Spartan*, August 16, 1849. Local men had been warned about Barrett by a resident of Columbia, South Carolina. Two copies of the pamphlet were in a sealed envelope addressed to a Columbia man, and the third was in a sealed envelope addressed to an Orangeburg man. The envelopes were sent to Barrett from Ohio, with a request that he mail them in South Carolina.

William Henry Brisbane, a former South Carolina slave owner who became an abolitionist, sold his bondsmen, and moved to Ohio.¹⁵¹ In his pamphlet, “An Address to the Citizens of South Carolina,” Brutus assailed slaveholders’ control of the state government. “The great mass of the people,” he wrote, “are virtually disfranchised, their interests utterly disregarded, and their voice not heard in the Councils of the State.” To support his claim that the state’s “constitution secures the government to a privileged class,” Brutus provided a table that showed the white, slave, and free black population of each district alongside a tally of each district’s number of senators and representatives. He concluded that “one third of the free population have the supreme control of the State.” Posing the question of why that “inequality” existed, he answered: “For no other purpose than to guard and secure the interests of the large rice and cotton planters. The interests of those who have to work with their own hands are entirely unprotected.” Brutus called upon the state’s white citizens to meet in their districts and elect delegates to a state convention to “draft a new constitution for the State, in which the interests of the *free* laborer shall be provided for, and an equality of representation established.”¹⁵² Although the pamphlet in Barrett’s hands was only an appeal to white citizens to agitate for a state convention, South Carolina indicted him for “bringing within the State written & printed papers with the intent to disturb the peace or security of the State in relation to the slaves thereof.”¹⁵³ Moreover, while they acknowledged that the pamphlet was meant to be read only by white citizens, local residents continued to describe it as “incendiary.” A vigilance committee organized after Barrett’s arrest told the public that northern abolitionists had “thrown in our midst their agents and spies, to instigate our slaves to revolt, and disseminate their incendiary writings for the purpose of arraying one portion of our people against

¹⁵¹ Manisha Sinha, *The Counterrevolution of Slavery: Politics and Ideology in Antebellum South Carolina* (Chapel Hill: University of North Carolina Press, 2000), 117; Spartanburg *Spartan*, August 2, 1849. Brisbane authored a second pamphlet, “To the Voters of South Carolina,” under the pseudonym “A True Carolinian,” which provoked consternation in South Carolina around the time of Barrett’s arrest. See “The North and the South—Symptoms of Disease at Home,” Spartanburg *Spartan*, April 24, 1849, and “Awful Conflagration,” Spartanburg *Spartan*, August 2, 1849.

¹⁵² Brutus, *An Address to the Citizens of South Carolina* (N.p., n.d.), 1–4.

¹⁵³ Record Series L42157: Spartanburg District, Indictments. Spring Term 1851, Roll 17, “The State v. John M. Barrett,” SCDAH. A copy of the Brutus pamphlet resides with this indictment.

another.”¹⁵⁴ In South Carolina, the rubric of “incendiary” thus applied not only to documents that favored abolition or insurrection, but also to those that counseled white nonslaveholders to insist upon an equitable apportionment of representation in the legislature.

In Virginia, the apportionment of the state legislature was a bone of contention between slave owners and nonslaveholders in the four decades preceding the Civil War. The state’s first constitution, promulgated during the revolutionary era, counted whites and a part of the slaves, a basis formula which favored the tidewater slave owners. As the nonslaveholding population west of the Blue Ridge mountains grew, this basis seemed increasingly outmoded. Western discontent with apportionment and the property qualification for suffrage led to a constitutional convention in 1829.¹⁵⁵ Eastern slaveholders opposed the white basis of representation, fearing that, in time, a mostly nonslaveholding western majority would tax slaves so exorbitantly as to compel abolition in the state. To assuage such concerns, westerners expressed willingness to include constitutional restrictions on slave taxation. During the convention, western delegate Edwin Steele Duncan told a constituent that, “should we carry the abstract principle of the white basis,” difficult questions would have to be answered. He asked: “Shall we incorporate a Guaranty ag[ain]st the unequal taxation of slaves: What kind of Guaranty? Shall taxes be ad valorem as to land & slaves?” He would not yield on the basis question, Duncan wrote, but he was willing “to give constitutional security ag[ain]st a violation of the taxing power.”¹⁵⁶ Such a guarantee proved unnecessary, for eastern slaveholders conceded the white basis in the lower house but in a way that ensured their control of that body. They did so by fixing apportionment of the House according to the 1820 census.¹⁵⁷ Westerners grudgingly accepted this new constitution, believing it was the best they could get at the time. The 1829 constitution did not resolve the issue but simply delayed, for a

¹⁵⁴ “For the Spartan,” *Spartanburg Spartan*, September 13, 1849.

¹⁵⁵ William W. Freehling, *The Road to Disunion*, vol. 1, *Secessionists at Bay, 1776-1854* (New York: Oxford University Press, 1990), 169-170.

¹⁵⁶ Edwin Steele Duncan to John James Allen, October 29, 1829, John James Allen Papers, VHS.

¹⁵⁷ Freehling, *The Road to Disunion*, 1:176-177. Apportionment of the Senate did not change in 1829.

generation, the showdown between a burgeoning population of nonslaveholders in the west and eastern slave owners unwilling to relinquish control of the legislature.

The residents of western Virginia would not be reconciled to anything less than the white basis, and dissatisfaction mounted as their share of the white population continued to grow. In an 1847 pamphlet recommending the abolition of slavery in that part of the state, the *Address to the People of West Virginia*, Henry Ruffner reminded westerners that their strength in the legislature was inadequate:

Three years hence another census of the United States will have been completed. Then it will appear how large a majority we are of the citizens of this commonwealth, and how unjust it is that our fellow citizens of East Virginia, being a minority of the people, should be able . . . to govern both East and West.

He predicted that the 1850 census would give westerners an irresistible argument and counseled them to “make a final and decisive effort to obtain your just weight in the government.” Ruffner summed up the western position: “You claim the white basis of representation, on the republican principle that *the majority shall rule*. You deny that slaves, who constitute no part of the political body, shall add political weight to their masters.” In addition to being a question of principle, he argued, the basis of apportionment had practical effects, in terms of legislative appropriations for the west. “West Virginia has suffered from her dependence on an Eastern Legislature,” he wrote, and “she is still dependent for every boon . . . upon the will of those Eastern people who are now a minority of the Commonwealth.”¹⁵⁸ Ruffner’s prediction of a second effort to resolve the basis question was borne out. In 1850, western Virginia had 55% of the state’s white population but held only 42% of the seats in the House and 41% in the Senate. Bowing to western pressure, the legislature provided for another constitutional convention but apportioned it on a “mixed-basis” of population and taxes, thus ensuring an eastern majority.¹⁵⁹ After opening on October 14, 1850,

¹⁵⁸ [Henry Ruffner], *Address to the People of West Virginia; Shewing That Slavery is Injurious to the Public Welfare, and That It May Be Gradually Abolished, Without Detriment to the Rights and Interests of Slaveholders* (1847; reprint, Bridgewater, Virginia: The Green Bookman, 1933), 5-7.

¹⁵⁹ Freehling, *The Road to Disunion*, 1:512.

the convention referred the apportionment issue to a committee. When its members were unable to agree on any formula, the committee, on February 6, 1851, suggested the entire convention take up the question, leading to three months of contentious debate.¹⁶⁰

On January 21, 1851, two weeks before the convention began debating apportionment, the *Republican Advocate*, a self-styled “white basis” newspaper, issued its prospectus. This was accompanied by a letter in which forty-four western delegates recommended the newspaper. The prospectus said the *Advocate* would be devoted to the principle that representation “should be based upon . . . Free White persons, and not upon Wealth or Property in any sense.” It tried to assure slaveholders that adoption of the white basis would not lead to agrarian measures against their property. The “Rights to Property,” it said, were “sacred and inviolable,” and “any effort to impair them will be promptly discountenanced.” Moreover, it stated, “any measure of protection compatible with the great Republican doctrine that all political power resides in the people . . . will be cheerfully advocated.” That was an allusion to the idea of imposing constitutional limits on the taxation of slaves. The prospectus turned from reassuring slaveholders to giving them a warning: “This continual array of *Property* as an element of political power, against numbers . . . is calculated, if anything can be, to produce the very insecurity which it is the professed object of the advocates of the Mixed Basis to guard against.” By refusing to compromise, it implied, slave owners would create opposition to slavery among nonslaveholding westerners.¹⁶¹ At the same time, George S. Ray urged western delegate Waitman Willey to admonish eastern slave owners to concede the white basis. He pleaded: “Can not something be done to awaken the Eastern members to a perception of the *Free soil* tendencies of the West—more particularly, the North West?” Expecting eastern delegates to defeat the white basis, Ray offered a dire prediction of how that result would influence public opinion in the west. He told Willey:

¹⁶⁰ William Link, *Roots of Secession: Slavery and Politics in Antebellum Virginia* (Chapel Hill: University of North Carolina Press, 2003), 13.

¹⁶¹ “Prospectus of ‘The Republican Advocate,’” January 21, 1851, John Letcher Papers, VHS.

Our people will be dissatisfied . . . they will . . . enquire into the subject, and as they . . . begin to *feel* and know that it is the *slave power* that is ruling over them and destroying that equality which ought to exist between the different sections of the same State, the feeling in favor of slavery, which with us, is but a mere *prejudice*, will quickly die away, and in its stead, will arise a hostility to the *peculiar institution*, which will in the end make Virginia a free state.¹⁶²

Such warnings, which became increasingly frequent across the South in the late antebellum era, offered an unattractive choice to the master class. Slaveholders could pursue accommodation by ceding some authority, hoping the nonslaveholding majority would not act against slavery; or they could doggedly cling to the levers of power and risk turning that majority against them.

On February 24, 1851, Waitman T. Willey, a delegate from Morgantown, in northwestern Virginia, told eastern slaveholders that adopting the white basis of apportionment was essential to the continued unity of the state.¹⁶³ He described the plan under consideration, for employing a mixed basis which included tax revenue, as a “proclamation of war against the friends of popular government.” The wishes of the state’s citizens, Willey argued, had been ignored for much too long. “After long years of delay . . . a quarter of a century’s discussion, and a patient endurance of their grievances,” he said, a majority of Virginians were “knocking at the doors of this hall, demanding their proper political power.” He attributed eastern delegates’ refusal to concede the white basis to their suspicion of western intentions with regard to taxation and appropriations. Willey condemned eastern slaveholders for impairing the political rights of the majority in order to defend their property interest: “I cannot conceive, how it is necessary or proper that in order to secure the rights of property in one portion of the community, it is also necessary and proper to invade the personal rights of the other portion.” If easterners feared exorbitant taxation, Willey said, they could “provide a constitutional limitation,” and the west would accede to it. He suggested the “*ad valorem*” principle, which would protect against “oppressive taxation,” and was, moreover, a system “of easy and equal application.” To convince eastern slave owners that

¹⁶² George S. Ray to Waitman Willey, January 22, 1851, Waitman T. Willey Collection, WVC.

¹⁶³ For accounts of the convention debates on apportionment, see Link, *Roots of Secession*, 15-27, and Freehling, *The Road to Disunion*, 1:512-515.

western nonslaveholders supported slavery, Willey reminded them how western men answered their calls for help during the War of 1812, “when the invader was enticing away your negroes.” He lamented the fact that growing northern opposition to slavery had led many slaveholders to view all nonslaveholders as intrinsically suspect. Willey ascribed to eastern slave owners a bias which guided much of their class, across the South, for the balance of the antebellum era: “The slave-holder of the East seems to suspect all whose circumstances and interests are not identical with his own; and hence . . . the West . . . is looked on with distrust, simply because it is not so extensively interested in slave property.” He finished by telling easterners that the convention’s handling of apportionment would decisively shape future relations between the two sections of the state. “Give us our natural rights,” Willey said, “and you secure our fidelity forever.” If easterners refused to grant the white basis, however, they would provoke hostility to slavery among the nonslaveholders of the west. He cautioned them against using the mixed basis:

Your slaves, by this principle, drive us from the common platform of equal rights, and usurp our place. Will the spirit of freemen endure it? Never! Either the principle must be abolished, or you will excite a species of political abolition against property itself. You will compel us to assume an attitude of antagonism towards you, or towards the slave, and like the man driven to the wall, we shall be forced to destroy our assailants, to save our own liberty.¹⁶⁴

Willey had thrown down the gauntlet, warning eastern slaveholders that continued intransigence on this point would endanger the future of slavery. His remarks, some of which would have been deemed incendiary in most other contexts, were printed as a pamphlet, making his criticism of slave owners available to a wide audience of nonslaveholders.

Three weeks after Willey’s speech, western delegate George W. Summers argued for the white basis. One of the state’s leading politicians, he had served in the legislature and Congress, and was a “substantial slaveholder.”¹⁶⁵ His considerable interest in slave property, along with his

¹⁶⁴ “Basis of Representation,” in *Speeches of Waitman T. Willey, of Monongalia County, Before the Convention of Virginia, on the Basis of Representation; on County Courts & County Organization, and on the Election of Judges by the People* (Richmond: William Culley, n.d.), 4, 9, 11-12, 16-19.

¹⁶⁵ Link, *Roots of Secession*, 16. Link describes Summers as “the most widely respected of the western white-basis advocates.”

residency in Kanawha County, afforded Summers a rare vantage point from which to appreciate the claims of each side. It led him to believe that the best strategy for Virginia slave owners was to accommodate nonslaveholders rather than alienate them. Summers noted that if demographic trends continued, the west would soon attain control of the legislature, even with the mixed basis of representation. Given that possibility, he asked: "Is it better to do what is right now, and thereby cement the affections of your western brethren, or retain power . . . through a few more years of strife and discontent, and then let it pass to them?" Summers enunciated first the views of his constituents: "We cannot consent to put the reins of government in the hands of the minority of the people for the purpose of protecting slaves. . . . At the same time, we have said, devise your own provisions for the protection of this property." He then changed guises and took the role of slaveholder, imploring eastern members of his class not to endanger their shared property interest:

Make no discrimination between the slave holder and the non-slave holder. Put no cause of jealousy between my neighbor and myself. Give me no political power . . . because I am a slave holder, which you withhold from him, who is not. . . . If you wish to preserve this institution . . . do not use it as a means of injustice towards your own people at home. Do not consign a majority of your white population to political inferiority, because they have not as large an interest, as owners in this property, as you have. Do not tempt them first to view with jealousy, and then perchance to hate, the cause of this inferiority.¹⁶⁶

Western delegates to the convention gave repeated, explicit warnings to eastern slave owners that their continued adherence to the mixed basis would spark dangerous class resentment in the state and endanger the future of slavery there.

The Virginia convention of 1850-51 resolved the apportionment question in a way that satisfied neither side, thus setting the stage for another intrastate sectional confrontation in 1861. On May 21, 1851, the defection of eight eastern delegates to the western position allowed for a compromise under which the Senate was apportioned on the mixed basis, and the House on the white basis, with no further adjustments to be made before 1865.¹⁶⁷ Many slaveholders thought

¹⁶⁶ *Speech of George W. Summers, of Kanawha, Before the State Convention of Virginia, in Committee of the Whole, on the Basis of Representation* (Richmond: William Culley, n.d.), 46, 48-49.

¹⁶⁷ Link, *Roots of Secession*, 21-23. The convention also created another flash point of class conflict by exempting slave property from ad valorem taxation, an issue discussed below.

the white basis threatened the security of their property, and they described the eastern delegates who facilitated it as traitors to their class. In 1861, a tidewater slave owner told his daughter that “by the treachery of a few Eastern members in the Convention of 1850 . . . representation was based on white population alone—our slave population was not to be counted.” The resulting western majority, he complained, “gave those the ‘power to lay the tax, who were not to pay the tax’—we are to pay the tax, the west to lay the tax.”¹⁶⁸ Conversely, westerners believed that the eastern refusal to grant the white basis in the Senate, along with the pronounced reluctance to do so in the House, demonstrated eastern slave owners’ suspicion of them. In May 1860, combative politician Frank Pierpont told a western newspaper that slaveholders distrusted “the free laboring population of western Virginia.” He explained: “They have fancied that there was danger to their slaves if free laboring white men had an equal share in making the laws of the State; hence the slaveholders of the East have always arbitrarily held the balance of the law-making power.”¹⁶⁹ At the secession convention in 1861, westerners unsuccessfully pushed for the adoption of the white basis in the Senate as well.¹⁷⁰ After the war, with slavery abolished and West Virginia a separate state, westerners remained bitter over apportionment. In 1866, when the idea of reuniting West Virginia and Virginia was discussed, Waitman Willey reminded westerners: “For thirty years or more western Virginia has been petitioning and struggling for a redress of grievances. . . . It has been remonstrating against inequality of representation . . . involving the personal degradation of its citizens.”¹⁷¹ Eastern refusal to concede on apportionment alienated westerners and played a large role in the division of the state.

¹⁶⁸ C. Clark to Sallie Manning, March 27, 1861, John Laurence Manning Papers, SCL. Clark neglected the fact that the 1850-51 convention adopted the white basis for the House only.

¹⁶⁹ Pruntytown *Family Visitor*, May 18, 1860, TS, Francis H. Pierpont Papers, WVC.

¹⁷⁰ On March 16, 1861, Waitman T. Willey introduced a resolution calling for a committee to report a constitutional amendment providing for use of the white basis in both houses of the legislature.: *Journal of the Acts and Proceedings of a General Convention of the State of Virginia, Assembled at Richmond, on Wednesday, the Thirteenth Day of February, Eighteen Hundred and Sixty-one*, 106-107, in George H. Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals* (Richmond: Virginia State Library, 1966).

¹⁷¹ *A Letter from Hon. W. T. Willey, On the Redintegration of Virginia* (Washington: 1866), 8.

Reformers sparked controversy in several states by recommending use of the white basis in drawing congressional districts. The United States Constitution provided that representation be allotted by adding the number of free people and “three-fifths of all other persons.” Each state then had the power to determine how its allotment of representation would be divided.¹⁷² Slave owners favored employing the federal basis in drawing congressional districts because it gave plantation areas more seats in Congress. They argued that doing otherwise would only encourage northerners who opposed giving southern states representation for their slaves. Lawmakers from mostly nonslaveholding regions wanted districts created according to the white basis, and they invested the issue with great symbolic importance. In his 1849 pamphlet, “Brutus” complained of the manner in which the South Carolina legislature arranged congressional districts “to suit the strong planting interest.” He noted that the plantation lowcountry, with 115,470 whites, had four congressmen, while the upcountry, with 143,614 white residents, had only three.¹⁷³ Tennessee’s Andrew Johnson pushed for using the white basis to apportion the state’s congressional districts on at least two occasions. As a state senator in 1842, he submitted a resolution that declared: “The basis to be observed in laying the State off into Congressional Districts shall be the voting population, without any regard to three fifths of negro population.” The Senate later rejected Johnson’s resolution by a vote of 22 to 3.¹⁷⁴ In his 1855 campaign for re-election as governor, Johnson again favored use of the white basis to draw congressional districts. During the canvass, his opponents seized on this, and according to the Democratic *Nashville Union and American*, “professed to be very much opposed to Gov. Johnson because of his views on slavery.”¹⁷⁵ After Johnson won re-election, a state representative offered a resolution stating that the legislature

¹⁷² U.S. Constitution, art. 1, secs. 2 and 4.

¹⁷³ Brutus, *An Address to the Citizens of South Carolina*, 3.

¹⁷⁴ *Journal of the Senate of Tennessee, at the Called Session of the Twenty-Fourth General Assembly, Held at Nashville* (Knoxville: E. G. Eastman, 1842), 15, 40.

¹⁷⁵ “The White Basis,” *Nashville Union and American*, October 25, 1855. The *Union and American* defended Johnson, asserting: “Gov. Johnson’s views, when properly understood, are not objectionable. . . . He was in favor of the representation in the slave States as it now stands, and only wanted the State districted according to the voting population.”

endorsed the “White Basis System, as advocated by him in the last canvass for Governor.” The House disagreed and voted to table the measure, by a tally of 38 to 28.¹⁷⁶ Johnson’s support of the white basis earned him the lasting enmity of proslavery ideologues. In 1857, the *Memphis Eagle* wrote of the large number of nonslaveholders in nearby Tishomingo County, Mississippi. It called for legislation to increase the number of slave owners and strengthen slavery “among just such communities.” The *Eagle* offered a dire warning, should nothing be done:

The number of slaveholders, already comparatively few in proportion to the whole white population, must go on decreasing from year to year, until they will become *numerically* powerless to defend themselves, and, under the operation of Andrew Johnson’s White Basis, ultimately find themselves entirely at the mercy of their enemies.¹⁷⁷

That interpretation demonstrated how slaveholders’ concern with their relative decline in the southern white population colored their view of nonslaveholders’ efforts to impose democratic reforms. Similarly, in 1860, a Virginia man dredged up Governor Letcher’s past support of the principle to question his fealty to slavery. William Lucas wrote: “I never had full confidence in Mr. L’s soundness on the slavery question. . . . I never got over the suggestion . . . in favor of equalizing the representation in Congress on the white basis *throughout the State*.”¹⁷⁸ To those slave owners who believed nonslaveholders were intrinsically unreliable, the white basis was a serious threat, and those who advocated it could not be trusted.

During the early 1840s, Alabama became the only state to, in the words of one legislator, “disregard the slave population in arranging the Congressional Districts.”¹⁷⁹ In 1854, Alabama lawmakers debated whether to continue using the white basis to create congressional districts. Each side presented lengthy arguments, but the crux of the matter was the division of political

¹⁷⁶ *House Journal of the First Session of the Thirty-First General Assembly of the State of Tennessee, Which Convened at Nashville, On the First Monday in October, A.D. 1855* (Nashville: G. C. Torbett & Co., 1856), 593 (hereafter cited as *Tennessee House Journal, 1855-56*).

¹⁷⁷ “Something Very Strange,” *Memphis Eagle* in *Montgomery Mail*, April 3, 1857. The *Eagle* specifically recommended “*exempting a few slaves from execution for debt*,” a proposal examined in Chapters Two and Three of this dissertation.

¹⁷⁸ William Lucas to Daniel Bedinger Lucas, December 30, 1860, Lucas Family Papers, VHS.

¹⁷⁹ *Speech of Mr. Watts, of Montgomery, on the Federal and White Bases in Apportioning Representatives to Congress: Delivered in the Senate of Alabama, Jan. 19th, 1854* (Montgomery: J. H. & T. F. Martin, 1854), 23.

power between slave owners and nonslaveholders. In a minority report which favored the federal basis, Representative Alexander Jay wrote: "In adopting the white basis you . . . strengthen the political power of those districts where there are the fewest number of slaves, and weaken those in which there are the greatest number of slaves."¹⁸⁰ Opponents of the white basis emphasized the fact that Alabama was the only slave state to adopt the principle. Senator Ashley asked his colleagues: "Why it is that after . . . eleven years existence of this White Basis law . . . no other Southern State has seen proper to copy our example?"¹⁸¹ Senator Watts noted that those states "identified with her in feeling and in institutions, have not followed her example."¹⁸² Those who wanted to rescind the white basis also said it endangered the constitutional provision that gave the southern states partial representation for their slaves. Senator Ashley ascribed an "anti-southern or free soil tendency" to the white basis, saying it gave abolitionists "good reason for demanding that this three-fifths or slave element shall be stricken from the Constitution." When Alabama first adopted the principle, Ashley reminded the Senate, "abolition Massachusetts . . . made haste to send us her greetings." Concluding his indictment of the white basis, Ashley said: "By it the institution of slavery is placed in jeopardy, our dearest rights imperiled."¹⁸³ When it adopted the maverick stance of using the white basis, critics argued, Alabama put slavery at risk in every southern state by undermining the three-fifths clause which had allowed the region to maintain parity in Congress.

In remarks delivered to the Alabama Senate on January 19, 1854, Senator Watts revealed that much of the animus toward the white basis derived from fear of the possibility of opposition to slavery within the state. He echoed other enemies of the principle in saying that its continued

¹⁸⁰ *Journal of the Fourth Biennial Session of the House of Representatives, of the State of Alabama, Session of 1853-'54. Held in the City of Montgomery* (Montgomery: Brittan & Blue, 1854), 375 (hereafter cited as *Alabama House Journal, 1853-54*).

¹⁸¹ *Remarks of Mr. Ashley, of Conecuh, in the Senate of Alabama, Jan. 16, 1854, Upon the Resolution of Mr. Webb, Proposing to Recommit the Bill Reported by Committee on Congressional Apportionment and Substitute Offered by Mr. Blake, (Both on the White Basis,) to the Committee, With Instructions to Report a Bill on the Constitutional, or Federal Basis* (Montgomery: Alabama Journal, 1854), 7.

¹⁸² *Speech of Mr. Watts*, 23.

¹⁸³ *Remarks of Mr. Ashley*, 10-12.

use would provoke a northern challenge to the three-fifths clause of the Constitution.¹⁸⁴ When he explained that it was “dangerous to the slave institutions of the South,” however, Watts focused on the manner in which the white basis would enhance the political strength of nonslaveholders. Arguing that the “representation for slaves was given as a *protection* and shield . . . against the aggressive spirit of the North,” he implied that, for it to perform that function, the representation of slaves must be controlled by the master class. Watts described a hypothetical situation which was sufficiently grounded in reality for his colleagues to understand. He postulated a situation in which “Alabama or any other Southern State” had thirty-five representatives in Congress, with fifteen of them accruing to it “in consequence of the slaves of the State.” Watts developed this fictional scenario:

Suppose that the slave population, instead of being scattered in different densities over the whole State, should be confined to the northern portion of it; suppose one-half of the territory of the State contained no slaves, but a dense white population, whose feelings and whose *interests* should be in opposition to the interests and feelings of the slaveholding portion of the State.

In fact, the sum total of his suppositions bore a close resemblance to the state’s condition in the near future, if contemporary demographic trends continued. The nonslaveholding share of the white population was increasing throughout the region during the 1850s, and many southerners believed that men without slaves would oppose the interests of slaveholders. In the minds of many informed persons, then, Watts’s hypothesis was not so much a *what if*, as it was a *when*. Watts continued his cautionary tale by asking lawmakers to imagine that, in this state of affairs, congressional districts were formed “*on the White Basis, excluding the slaves entirely*.” In that situation, he argued:

Ten, or may be, the whole of these *fifteen representatives* to which the State would be entitled, in consequence of the slaves within her borders, might be given to that portion of the State in which there were no slaves[.] To that portion of the State, whose interest and whose *feelings* would be hostile to the institution of slavery[.]

¹⁸⁴ *Speech of Mr. Watts*, 23-24.

Watts, in short, worried that, under the white basis, the representation accorded to Alabama by virtue of its slaves would go to strengthen nonslaveholding districts. He concluded his parable:

Thus would result the monstrous anomaly, that the representatives given to the State to *protect* the institution of slavery—the *representatives* who ought to represent the slavery interests and feelings, would be hostile to its interests and feelings—would be instruments of destruction, and not protective safeguards.¹⁸⁵

In addition to fearing that it would be the pretext for a northern attempt to repeal the three-fifths clause, opponents of the white basis believed that slave owners must control the representation of slaves. They did not trust the growing population of white nonslaveholders in Alabama and the other slave states to vote in such a way as to ensure the perpetuation of slavery.

Contending for retention of the white basis, Senator S. R. Blake argued that the federal basis helped the cause of abolitionism, and he warned slave owners not to jeopardize the support of Alabama nonslaveholders. Blake denied that slaves should be represented in Congress, saying “representation . . . must reflect the will of the constituent.” Those who wanted to treat slaves as persons in apportioning the districts, he argued, yielded a cardinal principle to abolitionists. “It is the proud claim of abolitionism,” he said, “that slaves are *human brethren*, and . . . entitled to all the privileges of citizenship.” Proponents of the white basis, conversely, viewed slaves only as property, which had no “right of representation.”¹⁸⁶ Blake warned that the federal basis would inevitably lead to a system in which slaveholders alone controlled the representation accruing from slaves. If the representation of slaves were granted only to those parts of the state where slaves resided, “then surely the owners of this property, and *they alone*, ought to exercise this representative power and enjoy the exclusive benefits of the representation.” He developed the point further:

If the poor man in North Alabama is excluded from the exercise of this power, and the participation in its benefits, because he does not own slaves, then upon the same principle

¹⁸⁵ *Speech of Mr. Watts*, 15, 17. Watts told the Senate: “Although this supposition is not true, in point of fact, yet the actual circumstances of several of the Southern States approach sufficiently near it to give us a fearful warning.”: *Speech of Mr. Watts*, 18. In reality, few slaves lived in northern Alabama, being confined mostly to the southern part of the state.

¹⁸⁶ *Speech of Hon. S. R. Blake, of Dallas, on the White Basis, Delivered in the Senate of Alabama, on the 16th and 17th January, 1854* (Montgomery: Advertiser and Gazette, 1854), 12, 20.

the poor man of South Alabama must also be excluded, and the rich slave holder overthrow and override the interests of both. Is this justice, is this policy?

The federal basis, Blake maintained, would endanger basic democratic principles by enabling a propertied minority to exercise “supremacy in political power.” Most important, he warned, if slave owners refused to share the representation of their bondsmen, nonslaveholders would soon become opposed to the peculiar institution. He asked white basis opponents “if the minority are not repaid for the small surrender of political power, in the ample protection which is given to their lives and property by the majority.” Alluding to the possibility of war with the North, Blake told the Senate: “If that day should come, when our beautiful prairies shall be pressed with the foot print of the foe . . . the slave holders of Alabama will be amply compensated for the small loss of representative power, in the burning patriotism of the white population.” That patriotism, however, was not unconditional and could be extinguished if slave owners insisted on adopting the federal basis. Blake declared:

Let it once be understood . . . that the price which North Alabama is to pay for the protection of your slaves, is the surrender of their power in our National Councils, and you render that property hateful to them, and offer the strongest inducements to wage upon it war unremitting, uncompromising.

That untenable situation could be avoided, he said, by retaining the “settled policy of the State,” and laying out congressional districts on the white basis.¹⁸⁷ Blake’s remarks, like those of white basis supporters in Virginia, demonstrate that the rhetoric of mainstream southern politicians was sometimes used to inflame the popular mind against slaveholders and slavery. In a competitive partisan atmosphere, lawmakers who represented primarily nonslaveholding constituencies were willing to turn the lexicon of white liberty and equality against the master class.

In North Carolina, democratic reformers focused their efforts on changing the manner in which slaves were taxed.¹⁸⁸ The state constitution of 1835 provided that all free men between the

¹⁸⁷ *Speech of Hon. S. R. Blake*, 26-29.

¹⁸⁸ For a detailed examination of class conflict over slave taxation in North Carolina, see Donald C. Butts, “A Challenge to Planter Rule: The Controversy Over the Ad Valorem Taxation of Slaves in North Carolina: 1858-1862” (Ph.D. Dissertation: Duke University, 1978).

ages of twenty-one and forty-five, and all slaves from twelve to fifty years old, “shall be subject to capitation tax.”¹⁸⁹ That provision essentially tied the hands of the nonslaveholding majority, for it meant that any increase in slave taxation would also be borne by most adult white men. In the 1850s, as increased state spending created a substantial debt, reformers sought to change the revenue laws so that slave property would contribute more of its value to the treasury.¹⁹⁰ In 1856, state senator A. J. Jones submitted a bill to amend the constitution by exempting white men from the capitation tax, making all slaves over twelve subject to it, and imposing one-half of the tax on slaves under twelve. The committee to which it was referred reported against the bill, claiming it would “violate the compromises of the Constitution, encourage the spirit of hostility to slavery, [and] divide the citizens of the State into two parties to wit a slavery and abolition party.”¹⁹¹ At the next session of the legislature, in the winter of 1858-59, reformers in both houses introduced measures to amend the constitution so that slaves would be taxed at the same rate as all other property.¹⁹² These proposals were couched in terms of fairness and equity. A proposed resolution asserted that “it is unwise, unjust and inexpedient to discriminate in favor of, or against, any particular class of persons or . . . species of property,” and a bill considered by the Senate said the state constitution “unjustly exempts from taxation a large and valuable portion of the slave property.”¹⁹³ When the legislature defeated all attempts at tax reform, a group called the “Wake County Working-Men’s Association” issued an address, in late 1859, calling for change in the state’s revenue system.¹⁹⁴ The *Salisbury Banner*, a Democratic newspaper, contended that the Working-Men’s address was likely to “divide the community into classes, and to excite one against the other.” It described the address as “a bill of indictment against slaveholders and slave

¹⁸⁹ North Carolina Constitution (1835), art. 4, sec. 3.

¹⁹⁰ Butts, “A Challenge to Planter Rule,” 13-26.

¹⁹¹ “A Bill To Amend the Constitution,” SB97, GA, 1856-57, NCDAH. The Senate agreed to the report and tabled the bill in February 1857.

¹⁹² HB483, HB623, Senate Resolution 69, SB1, SB42, and SB300, GA, 1858-59, NCDAH.

¹⁹³ Senate Resolution 69 and SB42, GA, 1858-59, NCDAH.

¹⁹⁴ Butts, “A Challenge to Planter Rule,” 59-61; Donald C. Butts, “The ‘Irrepressible Conflict,’: Slave Taxation and North Carolina’s Gubernatorial Election of 1860,” *North Carolina Historical Review* 58 (January 1981): 54.

property,” and asked whether “*this is the time to excite dissensions of this character?*”¹⁹⁵ When the state’s Opposition party supported ad valorem taxation of slaves in its platform for the 1860 gubernatorial campaign, Democrats privately expressed concerns about class conflict. In March 1860, editor J. M. Jordan told Edmund Ruffin: “It is an attempt to array the poor against the rich, such at least will be the effect.” He predicted that taxing slaves according to their value would “effect the abolition of slavery in many states.” Even worse, he said, adoption of the ad valorem principle would facilitate “the progress of the ‘irrepressible conflict’ in the South.”¹⁹⁶ As many feared, discussing slave taxation in the fiercely partisan environment of a gubernatorial election led to harsh criticism of the slaveholding class. During the campaign, an Opposition newspaper asked the following questions:

When war comes, who have to fight the battles, the negro or the white man?
When war comes, who have to leave their wives and children . . . and face the
bristling bayonet and the wide mouthed cannon?
Who stays at home, in such times as these, but the rich slave-owner, and all his
fat, sleek, and happy negroes?

Those questions, posed less than a year before the Civil War, implicitly linked nonslaveholders’ willingness to defend slavery to masters’ readiness to concede on the issue of taxation. Later in the article, the newspaper asked who “refuses to let the negro be taxed as other property?” At the end of the column, its answer, “[D]emocratic deceivers,” became apparent, but readers might have concluded that slaveholders were the persons opposing the measure.¹⁹⁷ The victory of the Democratic incumbent in the 1860 gubernatorial election derailed reform for the moment, but the unresolved issue of slave taxation would emerge again during the secession crisis.

During the 1850s, slave taxation replaced legislative apportionment as the locus of class-based political conflict in Virginia. In the state convention of 1850-51, westerners assured eastern slave owners that they could insert a constitutional provision to ensure that slave property would

¹⁹⁵ “Address of the ‘Wake County Working Men’s Association,’” *Salisbury Banner*, January 10, 1860.

¹⁹⁶ J. M. Jordan to Edmund Ruffin, March 1, 1860, Edmund Ruffin Papers, VHS.

¹⁹⁷ “Is It Right?” *Carolina Watchman*, July 10, 1860.

be taxed at the same rate as all other property. That was meant to assuage slaveholders' fears that a western majority in the legislature would impose exorbitant taxes on their bondsmen. As though driven to perpetuate western resentment, eastern delegates rejected that olive branch and forced through a provision which gave slave property a unique and protected status. The constitution adopted in 1851 declared that "all property other than slaves shall be taxed in proportion to its value." Slaves under twelve were exempt from taxation, while those over that age were taxed at the same rate as "land of the value of three hundred dollars."¹⁹⁸ Before the convention added the provision to the constitution, Charles J. Faulkner urged against it:

Adopt it—and it will instantly generate a leprosy upon the walls of your constitution, that must, at no distant day, cause them to crumble. . . . Such a provision would fester in the public mind and produce agitation and excitement, and ultimately lead to the overthrow of the government which you are now so laboriously engaged in constructing.¹⁹⁹

He proved to be quite prescient, for residents of the west fastened upon this unequal system of taxation as the latest injustice committed by eastern slaveholders. As the price of slaves climbed to unprecedented levels in the 1850s, western anger mounted, for bondsmen worth far more than three hundred dollars could not be taxed accordingly. Slaveholders claimed they could not afford a tax based on slaves' market value, which was based on the price they would bring in the cotton states. At the Virginia secession convention in 1861, tidewater delegate John T. Seawell argued: "There is not a slaveholder in Virginia that can afford to pay an *ad valorem* tax on his slaves . . . if they are assessed according to Louisiana prices."²⁰⁰ Moreover, slaves under the age of twelve, which could be sold for hundreds of dollars, were not taxed at all. Slaveholders defended the exemption by claiming, as did the *Farmer and Planter*, that "young negroes . . . are an expense to the owner until able to earn their clothing and food."²⁰¹ Westerners, however, focused their

¹⁹⁸ Virginia Constitution (1851), art. 4, secs. 22 and 23.

¹⁹⁹ *Speech of C. J. Faulkner, Esq., of Berkeley, in Committee of the Whole, on the Subject of Taxation, Delivered in the Virginia Reform Convention, on Monday and Tuesday, July 7th and 8th, 1851* (Richmond: R. H. Gallaher, 1851), 8. Berkeley County eventually became part of West Virginia.

²⁰⁰ George H. Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 4 vols. (Richmond: Virginia State Library, 1965), 4:296.

²⁰¹ "Taxation," *Farmer and Planter* 9 (September 1858): 197.

attention on the difference between the rate at which Virginia slaves were taxed and the price for which they could be sold. In 1856, the House of Delegates considered a bill providing for a census of the state. Among the data to be collected were “the number of slaves under 12 years of age, and their cash value . . . [and] the number over 12 years of age, and their cash value.”²⁰² That data would have allowed westerners to show exactly how much money the state’s underwriting of slaveholders cost the treasury. The heart of the disagreement was that slave owners believed their private interest warranted a subsidy from the state government, while nonslaveholders thought slavery should take its chances with every other interest. In 1861, John T. Seawell claimed that, under every government, “certain branches of industry” receive “some peculiar advantage . . . for the benefit of the whole mass.”²⁰³ Conversely, Frank Pierpont, a strident critic of the privileged tax status of slave property, told Alexander W. Campbell: “The great idea that I desire to impress on the public mind is that there are other interest[s] in Virginia than the negro interest.”²⁰⁴ Most slave owners, however, failed to understand westerners’ desire for equal treatment and could see only incipient abolitionism. In 1860, for example, E. J. Armstrong asserted that Frank Pierpont “had no other object” in raising the issue of slave taxation, “than to array the non-slave holder against the slave holder.”²⁰⁵ At the secession convention in 1861, William Tredway implied that ad valorem proponents meant to abolish slavery, declaring: “Oppressive taxation is one of the most effectual means by which you can attack an institution.”²⁰⁶ As in North Carolina, slave taxation remained a contested issue between classes at the time of Lincoln’s election in 1860.

In Tennessee, the exemption of young and old slaves from taxation came under fire in the last decade before the Civil War. The constitution adopted in 1834, unlike that of North Carolina or Virginia, provided that slave property would be taxed “according to its value,” but it specified

²⁰² HB412, “A bill to provide for the census or enumeration of the inhabitants of this State, and for procuring other statistical information,” Rough Bills: 12/3/55-3/19/56. General Assembly. House of Delegates RG79, LVA.

²⁰³ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 4:295.

²⁰⁴ Francis Pierpont to Eds. *Wheeling Intelligencer*, March 16, 1859, Archibald W. Campbell Papers, WVC.

²⁰⁵ *Pruntytown Family Visitor*, March 31 [30], 1860, TS, Francis H. Pierpont Papers, WVC.

²⁰⁶ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 4:300.

that only slaves “between the ages of twelve and fifty” would be levied upon.²⁰⁷ Like their peers in those states, Tennessee nonslaveholders objected to the fact that young slaves worth hundreds of dollars were not subject to taxation. In 1849, thirty-four residents of Bradley County asked the legislature to amend the constitution “so as to make slaves taxable from the time they become slaves as long as they are slaves according to their value.” That change, the petitioners argued, “would be just and equal.” They noted that “the poor man . . . has to pay taxes for every acre of land he owns, and that as soon as he owns it.” The petitioners contrasted their situation to that of “the rich slave holder,” who, they wrote, “is raising young negroes and speculating on his old ones free of taxation.” A free republican government, they asserted, should not “oppress the poor to protect the rich.” The petitioners’ request made little headway, as the committee to which it was referred asked to be discharged from its consideration, a request the legislature agreed to.²⁰⁸

During the legislative session of 1857-58, lawmakers in both houses offered resolutions in favor of making all slaves liable to taxation. First, Senator Denton offered a resolution which received an unfavorable report from the judiciary committee and was rejected by a vote of 13 to 6.²⁰⁹ In the House, S. S. Stanton submitted a resolution “to make negroes of all ages subject to taxation,” which stated that “property should be taxed with respect to its valuation, rather than the amount of income arising from said property.” When he later addressed the House, Stanton deflected the objection that “the young negro yields nothing to its master in the way of labor,” answering that “it is valuable, and commands a price, and should therefore be taxed as other property.” He said that taxing all slaves was important, not only because of the revenue to be raised, “but also as a principle of equity and justice to every tax-payer in the State.” Stanton failed to convince the

²⁰⁷ Tennessee Constitution (1834), art. 2, sec. 28.

²⁰⁸ Petition 101-1849, TSLA.

²⁰⁹ SR42, Resolutions, 1857-58, RG60: Legislative Materials, TSLA; *Senate Journal of the First Session of the Thirty-Second General Assembly of the State of Tennessee, Which Convened at Nashville, On the First Monday in October, A.D. 1857* (Nashville: G. C. Torbett and Co., 1857), 168, 173, 181, 242-243 (hereafter cited as *Tennessee Senate Journal, 1857-58*).

House, which defeated his resolution on a 44 to 16 vote.²¹⁰ At the next session of the legislature, in 1859-60, those who favored eliminating, or reducing, the exemption of young and old slaves redoubled their efforts. The House considered and rejected two resolutions which called for restricting the age range for exempting slaves.²¹¹ In the Senate, D. V. Stokely, who represented four counties in east Tennessee, introduced a bill to “increase the revenue of the state” by taxing “slaves at their cash value.” The judiciary committee recommended its rejection, arguing that it violated the state constitution, and Stokely withdrew his bill.²¹² Three days later, Stokely changed tactics and submitted a resolution to amend the constitution so that “all slaves” would be taxed. He argued that “young negroes were very valuable property,” which “should be taxed the same as uncultivated land.” The Senate was not persuaded and defeated the resolution by a 13 to 8 vote.²¹³ Tennessee did not revise its constitutional provision on slave taxation before the Civil War.

Efforts to Restrict Slave Mechanics

From the Revolutionary era until the beginning of the Civil War, skilled white workers across the South complained about competition from slaves and free blacks. White men engaged in work as carpenters, bricklayers, wheelwrights, and similar trades, who fell under the general category of “mechanics,” asserted that slave and free black competition hurt them financially and

²¹⁰ HR85, Resolutions, 1857-58, RG60: Legislative Materials, TSLA; *Legislative Union & American, Embracing Brief Sketches of the Proceedings and Debates, of the Thirty-Second General Assembly of the State of Tennessee* (Nashville: G. C. Torbett & Co., 1857-8), 112 (hereafter cited as *Legislative Union and American, 1857-58*); *House Journal of the First Session of the Thirty-Second General Assembly of the State of Tennessee, Which Convened at Nashville, On the First Monday in October, A.D. 1857* (Nashville: G. C. Torbett and Co., 1857), 219-220, 296, 366 (hereafter cited as *Tennessee House Journal, 1857-58*).

²¹¹ House Resolution 45 called for making “all slaves or negroes under the age of fifty years taxable as other property.” It was rejected by a vote of 45 to 23.: HR45, House Resolutions, 1859-60, RG60: Legislative Materials, TSLA; *House Journal of the First Session of the Thirty-Third General Assembly of the State of Tennessee, Which Convened at Nashville, On the First Monday in October, A.D. 1859* (Nashville: E. G. Eastman and Co., 1859), 75, 173 (hereafter cited as *Tennessee House Journal, 1859-60*). House Resolution 62 proposed taxing slaves “between the age of five and fifty years.” It lost by a vote of 46 to 23.: *Tennessee House Journal, 1859-60*, 122, 174.

²¹² Stokely’s bill was Senate Bill 65. *Legislative Union and American, 1859-60*, 112, 133, 134; *Senate Journal of the First Session of the Thirty-Third General Assembly of the State of Tennessee, Which Convened at Nashville, On the First Monday in October, A.D. 1859* (Nashville: E. G. Eastman and Co., 1859), 86, 94, 99, 103 (hereafter cited as *Tennessee Senate Journal, 1859-60*). Stokely represented Green, Cocke, Sevier, and Blount counties.

²¹³ Stokely’s resolution was Senate Resolution 46. *Legislative Union and American, 1859-60*, 245; *Tennessee Senate Journal, 1859-60*, 104, 196.

degraded them personally. Located in towns and cities, white mechanics were the most assertive and class-conscious segment of the nonslaveholding population. They formed associations to advance their interests and repeatedly petitioned their legislatures to impose restrictions on the employment of black workers in their occupations. Ranged against white workers were masters who defended their right to use their bondsmen as they saw fit, and for whom slave mechanics were a lucrative source of income. For those reasons, white mechanics' efforts to keep slaves on the plantation met with little success for most of the antebellum period. In the 1850s, however, southerners worried about latent internal opposition to slavery recommended, on behalf of white workers, voluntary or statutory limitations on employing slaves as mechanics.

Although South Carolina was dominated by slave owning planters, white mechanics in Charleston and Columbia persistently asked the legislature to protect their interests. In 1783, thirty-six carpenters and bricklayers from Charleston told lawmakers that they lacked "sufficient Employment to support their Families" because of "Negroe Tradesmen, who undervalue Work." They asked the legislature to "enact such a Law as may prohibit Negroes from undertaking Work on their own Account."²¹⁴ Ten years later, the master coopers of Charleston objected to the fact that slaves were allowed to "carry on different Trades and Occupations," which redounded to "the great and manifest injury of the mechanical Part of the Community." Slave mechanics, the petitioners complained, did work more cheaply than "those Persons who are privileged by their Citizenship . . . can possibly afford."²¹⁵ In 1794, white workers formed the "Charleston Mechanic Society," which agitated for the interests of white mechanics until the start of the Civil War.²¹⁶ One year later, the grand jury for Charleston lent its support to white mechanics, declaring: "We present as a very great grievance, that Slaves who are Mechanics are allowed to carry on various

²¹⁴ Petition 1783-159 in S165015: Petitions to the General Assembly, SCDAH.

²¹⁵ The petitioners asked the legislature to pass an act incorporating "The Society of Master Coopers of Charleston." Petition 1793-63 in S165015: Petitions to the General Assembly, SCDAH. A House committee reported favorably on the petition, but one in the Senate recommended against it, and the Senate agreed. Reports 1793-27 and 1793-60 in S165005: Committee Reports, SCDAH.

²¹⁶ *The Constitution of the Charleston Mechanic Society, Instituted at Charleston, South-Carolina, 1794. Revised, Amended and Ratified, June 7th, 1858* (Charleston: James and Williams, 1858).

handicraft Trades on their own account to the great prejudice of the poor Mechanics.”²¹⁷ In 1818, seventy-seven mechanics from Columbia told legislators that slaveholders’ practice of allowing bondsmen to hire their own time led to white workers’ being “deprived of jobs and employment in their respective trades.” The petitioners asked for a law to restrain “owners of slaves who are mechanics from hiring to them their own time and also to restrain persons . . . from employing them, but by a contract with their owner.”²¹⁸ One year later, the intendant and six wardens of Columbia, along with sixty-four residents, sent a remonstrance to the legislature against slave mechanics being permitted to hire their own time. The practice, they wrote, was “detrimental to the interest” of slaveholders themselves, and also to “the poorer class of white men who obtain their support from job work.” A slave, the petitioners explained, “is from the greater cheapness in his living,” able to work for lower wages “than it is possible for white journeymen to do & maintain their families.” Moreover, the greater freedom enjoyed by slaves hiring their own time allowed them “the indulgence of vicious habits,” harming their master’s investment.²¹⁹ During the 1820s, white mechanics benefited from fears raised by the Denmark Vesey insurrection scare. In that decade, eighteen residents of Richland District, including some of the most powerful men in the state, asked lawmakers to suppress the “dangerous and growing practice” of allowing slaves “instructed in the various mechanical professions” to hire themselves out. The petitioners noted that slaves’ ability to work for lower wages allowed them to “monopolize, in a great measure, the different mechanical trades . . . at the expense . . . of the industrious white mechanic.” They also emphasized the “recent and serious occurrences in the city of Charleston,” reminding legislators

²¹⁷ Presentment 1795-2 in S165010: Grand Jury Presentments, SCD AH.

²¹⁸ The mechanics also asked that slave mechanics be forbidden to take apprentices. Petition ND-1566 in S165015: Petitions to the General Assembly, SCD AH. The committees in the House and the Senate, to which the petition was referred, reported that “it is inexpedient” for the legislature to act.: Reports 1818-66 and ND-718 in S165005: Committee Reports, SCD AH.

²¹⁹ The petitioners requested a law to prohibit slaveholders from allowing slave mechanics to hire their own time. Like the mechanics in 1818, they also wanted to prohibit slave mechanics from having apprentices.: Petition 1819-97 in S165015: Petitions to the General Assembly, SCD AH. Committees in both houses of the legislature reported unfavorably, squelching action.: Reports 1819-173 and 1819-174 in S165005: Committee Reports, SCD AH.

that “the principal plot and scheme” originated with “this very class of our black population.”²²⁰ Later in the decade, 110 men seeking to form the “Charleston Mechanics’ Association” warned that unless white workers received protection from free black and slave competitors, Charleston would soon “be in the condition of a West India Town, which it would be impossible to defend without a Regular Military Force.”²²¹ In 1831, grand jurors for Kershaw District told lawmakers that “the large number of Negro and Coloured Mechanics now employed in this State,” was a “serious, and growing evil.” They suggested the enactment of “a law for gradually reducing the number, and finally permitting only free white persons being employed as Mechanics.”²²² At its 1840 session, the legislature considered a bill “to prevent slaves from being bound as apprentices or put to learn Mechanical trades unless on the plantations of their owners.” The bill, however, received an unfavorable committee report, and was tabled by its sponsor.²²³ Over fifty years of petitions and requests for help had availed the state’s white mechanics little more than the right to form associations.

From 1857 until the start of the Civil War, the white mechanics of Charleston insistently pressed their demands upon the legislature. While they managed to insert their concerns into the business of the legislature and to elect two members of the Charleston Mechanic Society to the lower house, the city’s white mechanics failed to gain any concrete dividends.²²⁴ In November 1857, Representative Edward M. Whiting introduced a bill to prohibit slaveholders from allowing

²²⁰ Petition ND-2893 in S165015: Petitions to the General Assembly, SCDAH. Among the signers were Wade Hampton and Henry William DeSaussure.

²²¹ Petition 1811-48 in S165015: Petitions to the General Assembly, SCDAH. The petition could not have been submitted in 1811, as it cites a law enacted in 1822. Loren Schwenger dates the petition as circa 1828.: Schwenger, ed. *The Southern Debate over Slavery*, 1:101.

²²² Presentment 1831-12 in S165010: Grand Jury Presentments, SCDAH.

²²³ “A Bill to prevent slaves from being bound as apprentices or put to learn Mechanical trades unless on the plantations of their owners,” S165001: Acts, Bills, and Joint Resolutions, 1840 Session, SCDAH; Report 1840-52 in S165005: Committee Reports, SCDAH.

²²⁴ The society members elected to the House, from St. Philip & St. Michael, were Fleetwood Lanneau and James M. Eason. Lanneau joined the society in 1852 and became its president in 1858. He served in the House from 1858 to 1859. Eason joined the society in 1854. He served in the House beginning in 1860.: *The Constitution of the Charleston Mechanic Society . . . Revised, Amended and Ratified, June 7th, 1858*, 32, 36, 39; Walter B. Edgar, ed., *Biographical Directory of the South Carolina House of Representatives*, vol. 1, *Session Lists 1692-1973* (Columbia: University of South Carolina Press, 1974), 378-384.

their slaves to “carry on any mechanical pursuit,” either as manager of a shop, “or as contractor going from place to place, and undertaking on his own account, or as agent for his owner, or employer, any contract in any branch of mechanics.” The measure would have prevented slave mechanics from exercising authority over whites and from making their own contracts.²²⁵ In the fall of 1858, white workers of Charleston made a concerted effort to win restrictions on slave and free black competition.²²⁶ At an October meeting, 163 “Mechanics and Workingmen” passed resolutions which declared that the “baneful evil” of slaves hiring their own time harmed “the interests of the mechanic and workingman,” as well as “the owner of the slave.” They petitioned the legislature to “provide for the more rigid enforcement” of the laws against hiring slaves their own time, to increase the penalty for violation, and to subject “the hirer as well as the owner” to indictment.²²⁷ On November 1, the Charleston Mechanic Society adopted those same resolutions and sent them to the legislature as a petition.²²⁸ Two weeks later, the South Carolina Mechanics’ Association endorsed the resolutions and submitted a further request in reference to free blacks. The Association asked for a tax on free black mechanics, “or some other remedy,” which would “at least place us in such a position . . . to compete with them, if they are to be on an equality with us.”²²⁹ The mechanics’ petitions were supplemented by the presentment of the Charleston grand jury, which stated that the practice of free blacks “carrying on business on their own account, [and] making contracts for the erection of houses and other undertakings,” along with slaves hiring their own time were “evils which demand the prompt intervention of the law.”²³⁰ When the legislature convened in November 1858, Representative Fleetwood Lanneau, who was also the

²²⁵ “A Bill To prevent negroes from carrying on mechanical pursuits,” S165001: Acts, Bills, and Joint Resolutions, 1857 Session, SCDAH. The bill was tabled on December 19, 1857, but revived at the next session. Whiting represented St. Philip & St. Michael, which included Charleston.: Edgar, ed., *Biographical Directory of the South Carolina House of Representatives*, 1:380.

²²⁶ See Michael P. Johnson and James L. Roark, *Black Masters: A Free Family of Color in the Old South* (New York: W. W. Norton & Co., 1984), 173-187.

²²⁷ Petition ND-5649 in S165015: Petitions to the General Assembly, SCDAH. This copy was addressed to the House. For the same petition, directed to the Senate, see Petition ND-2892.

²²⁸ Petition ND-4744 in S165015: Petitions to the General Assembly, SCDAH.

²²⁹ Petition 1858-25 in S165015: Petitions to the General Assembly, SCDAH.

²³⁰ Presentment 1858-8 in S165010: Grand Jury Presentments, SCDAH.

president of the Charleston Mechanic Society, introduced a bill “to prevent Slaves from hiring out their own time, and carrying on Mechanical pursuits on their own account.”²³¹ This bill and the one from the previous session, along with the petitions and the grand jury presentment, were all referred to the Committee on Colored Population. In its report, the committee showed an inability to understand white workers’ grievances. The report stated that “the evil complained of,” was that “slaves are permitted to go at large . . . make contracts, do work, and in every way live and conduct themselves as if they were not slaves.”²³² To be sure, white mechanics cited those concerns, but in their eyes, the “evil” was that slave competitors took away their business by doing the work at lower rates. Mechanics couched their protests in terms that would appeal to slaveholders’ self-interest, but they were mainly concerned with defending their own livelihoods. The committee recommended that neither of the two bills be passed, and submitted its own.²³³ This substitute bill provided for indicting persons hiring slaves, in addition to the slave’s owner, for violating the existing laws. It would have weakened the laws against slaves’ hiring their own time by providing that, in certain occupations, slaves would be given a badge or license and be exempted from the standing laws.²³⁴ In 1859, the committee’s bill elicited a protest from white stevedores, one of the occupations for which slaves would be licensed. The stevedores asked the legislature “not to class us with slaves, as the Bill now before you reads.” In terms that implied a stark division between themselves and slave owners, the stevedores warned that northern ships, with mostly black crews, “hire your slaves as stevedores to load and unload their ships, and place

²³¹ “A Bill to prevent Slaves from hiring out their own time, and carrying on Mechanical pursuits on their own account,” S165001: Acts, Bills, and Joint Resolutions, 1858 Session, SCDH. This measure may have been the collective effort of the society, its aforementioned petition mentioned “an accompanying bill.”: Petition ND-4744 in S165015: Petitions to the General Assembly, SCDH.

²³² *Report of the Committee on Colored Population, on the Petition of the South Carolina Mechanics’ Association; also, the Petition of the Mechanics and Working Men of the City of Charleston; also, the Memorial of the Charleston Mechanics’ Society; also, the Presentment of Grand Jury for Charleston District; also, on Two Bills; all in reference to the enactment of laws preventing Negroes from hiring out their own time, &c.* (Columbia: Southern Guardian, 1858), 4.

²³³ *Report of the Committee on Colored Population*, 5.

²³⁴ “A Bill Further to prevent slaves from hiring their own time, and to require Magistrates to execute the Laws on this subject,” S165001: Acts, Bills, and Joint Resolutions, 1858 Session, SCDH. The occupations to be licensed were “porters, common laborers, stevedores[,] cartmen, draymen, wagoners, or hackmen or drivers of licensed carriages or vehicles.”

your slaves in direct communication with any emissary.”²³⁵ Their petition, like many others that emanated from the state’s white laboring class, was not acted upon by the legislature.²³⁶

In 1860, the white mechanics of Charleston focused on eliminating the competition from free blacks. In the fall election, they helped elect James M. Eason, a member of the Charleston Mechanic Society, to the state’s House of Representatives.²³⁷ Shortly after the legislature opened its session, Eason introduced a bill that would have made it illegal for “any free person of color to enter into any contract for the execution of work of a mechanical nature.”²³⁸ When he learned that John Harleston Read, Jr., the long-time chairman of the Committee on Colored Population, opposed his bill, Eason organized a petition drive among Charleston mechanics and garnered hundreds of signatures in support of his measure.²³⁹ The petition declared that the practice of free blacks and slaves “carry[ing] on and conduct[ing] mechanical and other pursuits as contractors,” was a “great grievance” to white mechanics and artisans. “Every other pursuit,” it complained, except for “the Mechanic arts,” was legally protected “against the intrusion of the colored and slave races.” White mechanics should receive the same protection, the petition declared, unless the legislature meant to “declare that the *Mechanic is not the equal of the Merchant, the Lawyer, the Doctor . . . the Tradesman or the Shop-keeper.*” In words freighted with meaning, the petition concluded: “Is it wise to tax the loyalty of the working poor man, by such discriminations, to the institution which he is educated to defend, and in defence of which he is always the foremost?”²⁴⁰ Despite Eason’s strenuous efforts on behalf of his measure, John Harleston Read, Jr. managed to have the bill continued to the next session, when it was ultimately tabled.²⁴¹

²³⁵ Petition ND-2916 in S165015: Petitions to the General Assembly, SCDAH.

²³⁶ Report 1859-104 in S165005: Committee Reports, SCDAH.

²³⁷ See Johnson and Roark, *Black Masters*, 266-269.

²³⁸ “A Bill To prevent free persons of color from entering into contracts, for any Mechanical pursuits, and prevent their carrying on any Mechanical business on their own account, and for other purposes,” S165001: Acts, Bills, and Joint Resolutions, 1860 Session, SCDAH. The bill was printed in the *Charleston Courier*, December 1, 1860.

²³⁹ Johnson and Roark, *Black Masters*, 278-279.

²⁴⁰ Petition ND-4330 in S165015: Petitions to the General Assembly, SCDAH.

²⁴¹ Johnson and Roark, *Black Masters*, 280-281; “A Bill To prevent free persons of color from entering into contracts, for any Mechanical pursuits, and prevent their carrying on any Mechanical business on their own account, and for other purposes,” S165001: Acts, Bills, and Joint Resolutions, 1860 Session, SCDAH.

Throughout the antebellum period, white mechanics in other slave states petitioned their legislatures to restrict competition from slaves and free blacks. In 1802, twenty-one residents of Wilmington, North Carolina complained that slave mechanics “undertake work on their own account, at, sometimes less than one half the rate that a regular bred white mechanic can afford.” The neglect of laws against slaves hiring their own time, they argued, was a “discouragement to population,” for it kept white mechanics from settling in the state. It was a “grievous hardship,” the petitioners declared, that they were “compelled to perform military duty, serve upon Juries, and pay taxes,” while “the bread should be taken out of the mouths of themselves and families” by slaves.²⁴² More than fifty years later, in 1856, fifty-eight citizens of Smithville, North Carolina asked lawmakers to prohibit free blacks “from becoming contractors for any mechanical work” and to strengthen the laws against slaves hiring their own time. “Sound policy no less than our own interest,” the petition stated, “requires that white mechanics should be protected against the competition of colored persons whether free or slave.”²⁴³ In January 1861, shortly before the state left the Union, thirty-two residents of Marshall, Texas, told legislators: “We do most Solemnly object to being put in Competition With Negro Mechanicks.” As men “reared upon Southern Soil,” the petitioners said, they supported slavery, but wanted to see “Negroes in their Places,” which were, they wrote, the “Corn & Cotton Fields.” The white mechanics had no quarrel with masters who had their slaves do such work at home, “but we do not want to be equalized with them by allowing them to go at large contracting for Jobs of work upon their own account.”²⁴⁴ Southern white mechanics’ appeals for relief from slave and free black competition were quite consistent across a wide range of space and time.

²⁴² “Petition of the Incorporated Mechanical Society of Wilmington to North Carolina Assembly, 1802,” in Schweninger, ed. *The Southern Debate over Slavery*, 1:25-26.

²⁴³ “Memorial of G W Reaves & other Citizens of Smithville Brunswick County Concerning Free Negro Mechanics,” Petitions, GA, 1856-57, NCDAH.

²⁴⁴ “W. T. Smith et al., Marshall, to Texas Assembly, 1861,” in Schweninger, ed. *The Southern Debate over Slavery*, 1:249.

White mechanics' efforts to restrict competition from slaves and free blacks failed, in large part, because the rest of the white community was interested in protecting black mechanics. Slaveholders pocketed the wages of their skilled bondsmen, and many white customers preferred the greater convenience, economy, and tractability of black workers. The high prices for which slave mechanics were sold demonstrated how profitable their talents were. Elizabeth Perry wrote, regarding her slave Jim, that "if ordinary men . . . sell for one thousand, he with his *trade*, ought to sell for 1500."²⁴⁵ Discussing high slave prices at recent sales, Thomas C. Bleckley noted the mitigating factor that two of the men sold "were both Mechanics."²⁴⁶ When the North Carolina legislature considered imposing an ad valorem tax on slaves at its 1860-61 session, one member suggested a classification system under which slaves of various ages and different genders would be assessed. The amendment specified that "in taxing slaves who are mechanics thirty three and one third percent shall be added to the values in the above classes."²⁴⁷ In 1860, the *Carolina Spartan* opposed restrictions on slave mechanics solely on the basis of the harm that would be done to slaveholders' financial interests. It warned that if slaves were kept from such work, "the property of the master is reduced in value." The *Spartan* explained: "Slave mechanics are more valuable than ordinary field hands—more valuable than house or body servants."²⁴⁸ One week later, noting that a "negro joiner and carpenter" had sold for \$3,500, the *Spartan* asked: "How does this bear upon the argument for excluding negroes from mechanical employments?"²⁴⁹ Its question showed that the *Spartan* gave no consideration to the interests of white mechanics, who would not have been swayed by the fact that a slave who took business from them was profitable to its owner. Despite their claims of black inferiority, white southerners recognized that trained

²⁴⁵ Elizabeth F. Perry to Benjamin F. Perry, ca. 1849, Benjamin Franklin Perry Papers, SCL.

²⁴⁶ Thomas C. Bleckley to Sylvester Bleckley, February 10, 1857, Sylvester Bleckley Papers, SCL.

²⁴⁷ "Sub. to am't offered by Mr. Waugh," Amendments, GA, 1860-61, NCDAH.

²⁴⁸ "Slave Mechanics," *Spartanburg Carolina Spartan*, January 26, 1860.

²⁴⁹ "News Scraps," *Spartanburg Carolina Spartan*, February 2, 1860. The *Spartan* referred to this account of the sale: "A Tall Price for a Negro," *Greenville Southern Enterprise*, January 26, 1860.

slave and free black mechanics performed the work just as well as white men. In 1856, Benjamin F. Perry told a Charleston audience:

The negro has shown a great aptitude to the mechanic arts, and there are hundreds and thousands in South Carolina who are employed as house carpenters, blacksmiths, masons, millwrights, carriage makers, saddlers, tailors, brick layers, &c. There can be no doubt that they may be profitably employed in all the manufactures and mechanic arts.²⁵⁰

Given the manifest talent of black mechanics, many preferred to employ them rather than whites.

Arguing against prohibitions on slave mechanics, “Saluda” wrote: “We, as Southern people, are glad to think we have a labor upon our plantations that frees us from the uncertainties, and caprices of free labor. Why, therefore, should we deprive ourselves of this same benefit in all mechanical employment?” He asserted that slave workers were “our bulwark against extortion and our safeguard against the turbulence of white mechanics.”²⁵¹ Other whites, less ideological than Saluda, were simply in the habit of employing black workers for any type of physical labor. In its 1858 report on the petitions submitted by several groups of white mechanics in Charleston, the Committee on Colored Population expressed this preference:

We have towns and villages . . . where ordinary labor is to be performed which can be done by either whites or negroes. We are accustomed to black labor, and it would create a revolution to drive it away. . . . until you can change the direction of the public prejudice, prepossession and habit, you can never enforce a law which conflicts with them.²⁵²

The interests of white mechanics, a small and often transient class, were generally overlooked by the rest of the white population, which favored black workers for financial reasons or because of ingrained habits.

Southerners who advocated removing free blacks from their respective states emphasized the plight of white mechanics. Residents of St. Helena’s Parish, in South Carolina, who asked the legislature to provide “for the removal of the free coloured persons,” declared:

Your petitioners cannot believe that you will permit a class so useless, pernicious, and degrading, to the character of the State, to supplant the intelligent industrious and

²⁵⁰ *Address of the Hon. Benj. F. Perry, Before the South Carolina Institute, at their Annual Fair, November, 1856* (Charleston: Walker, Evans & Co., 1857), 28.

²⁵¹ “Negroes in the Workshop, as Mechanics,” *Southern Cultivator* 18 (July 1860): 204-205.

²⁵² *Report of the Committee on Colored Population*, 5.

vigorous freeman who in the various mechanical departments would so essentially increase her physical and moral strength.²⁵³

In 1849, ninety-three residents of Augusta County, Virginia, petitioned the legislature to provide funds for colonizing the state's free blacks to Liberia. In support of their request, they argued that "the mechanic—the day-laborer—all indeed, whose capital consists in their labor, suffer by the competition of Free Negroes."²⁵⁴ When the Tennessee legislature, at its 1859-60 session, debated a bill to expel the state's free blacks, Representative Samuel T. Bicknell argued that it would help white workers. He stated: "By sending out of the State the free negro we make room for the poor, laboring class of white persons . . . this bill . . . acts beneficially towards the poor man."²⁵⁵ Such assertions suggest that white southerners understood the negative effects of black competition on white mechanics but consciously decided not to alleviate them.

Beginning in the 1850s, a number of southerners proposed, on behalf of white mechanics, the restriction of slaves to agricultural labor. These self-appointed spokesmen argued that slave competition was forcing many white workers to leave the South and that it would spark hostility to slavery among those who remained. In 1851, a petition signed by 249 residents of Portsmouth, Virginia, called on lawmakers to "pass a law securing to the white man the exclusive privilege of the mechanic arts." The petitioners explained their reasoning in straightforward language: "We believe that in so doing, you will destroy the great cause of jealousy which exists between the non slaveholders and slave holders." They warned that unless some action were taken, "the day is not far distant, when the mechanics and non slaveholders, generally, will demand the total expulsion of the negros from our own State."²⁵⁶ In the mid-1850s, seventy residents of Marengo and Sumter counties, in Alabama, told legislators: "Negroes in the opinion of your petitioners should be

²⁵³ Petition ND-2815 in S165015: Petitions to the General Assembly, SCDAH.

²⁵⁴ "The Petition of Alexr. H. H. Stuart and ninety two other citizens of Augusta County praying for the passage of a law for the removal of free people of colour from the Commonwealth," March 5, 1849, LP, LVA.

²⁵⁵ *Legislative Union and American*, 1859-60, 366.

²⁵⁶ "Petition of 249 citizens of the town of Portsmouth praying 'that there be a tax imposed on negro mechanics,'" February 25, 1851, LP, LVA. The petition further declared: "Negro Mechanics have retarded the prosperity, enterprise, & progress of our State in the mechanic arts, by driving native born Virginians to other states to seek employment, and a just remuneration for their labor."

confined to plantation work.” They claimed the welfare of the state was harmed by the prevalence of slave mechanics, as “white boys will not learn trades, because they are compelled to work in the same shop & are thus placed on an equality with negroes.”²⁵⁷ The rapid growth of the Republican party lent greater urgency to these efforts, as proponents of restriction feared the party would attract the support of disaffected white mechanics. Less than two months after the 1856 presidential election, a writer to the *Charleston Courier* recommended “such legislation as shall result in confining the negro to house and field service.” Imposing those limits, he said, would “destroy, or at least diminish, the power of our enemies to get up a *war of classes* between hireling labor and slave labor, in our midst.”²⁵⁸ In 1859, a contributor to *DeBow’s Review* warned of “the ruinous consequence to the institution of slavery which must result” from slaves’ being trained as mechanics. By “placing the negro in competition with white mechanics,” he argued, southerners dragged those white men “down to a level” with slaves. He cautioned southerners:

This is well calculated to breed a discontent and hatred on the part of the white mechanic, and make him an enemy to an institution which should be the means of promoting the interests of the very pursuit in which he is engaged. This policy also creates a spirit of antagonism between the rich and poor, from the fact that the rich . . . elevate the negro at the expense of the poor white mechanic.²⁵⁹

At the Southern Commercial Convention held in Vicksburg in May 1859, a Mississippi delegate introduced resolutions in favor of ending the competition between slaves and white mechanics. These declared that “the corn, cotton, and sugar plantations” were the “proper fields of action for the African slave,” and that while slave mechanics could work on their owners’ plantations, “we condemn the practice of making them competing public mechanics, thus creating a degree of

²⁵⁷ Undated petition of Citizens of Marengo and Sumter Counties in Alabama Governor: John Anthony Winston, 1853-1857 Administrative Files: Legislature-Resolution Expenditures, ADAH.

²⁵⁸ “Policy of the Planter,” *Charleston Daily Courier*, December 27, 1856. The writer concluded: “It would make every mechanic an advocate of negro slavery—not only, as now, upon conviction of its fitness, but by ties of interest, and with improved means each would aim to become a slaveholder.”

²⁵⁹ “Functions of the Slave,” *DeBow’s Review* 26 (April 1859): 478. Introducing the article, DeBow said he agreed that “the true functions of the slave are menial, or are to be exercised in the fields.” The article was reprinted in the *Farmer and Planter* 10 (June 1859): 175. Moreover, it was either recycled by its author, or appropriated by someone else, and printed by the *Charleston Courier* as the work of “A Master Mechanic” on December 7, 1860. The article submitted to the *Courier* included a verbatim reproduction of most of two paragraphs from the *DeBow’s* piece, with a new first paragraph and a slightly different conclusion.

opposition in our very midst to the institution of slavery.”²⁶⁰ In Alabama, “Prudence” told the *Mobile Mercury* that “the rights and dignity of white men” should no longer be disregarded by forcing them to compete with slaves. He asked: “Would any right-minded Southerner be willing to see his son working at the same bench with a set of buck negroes, and on equality with them?” If slaveholders remained “deaf to the just claims of white laboring men,” Prudence wrote, white mechanics should “act in the matter and take measures for their own protection.”²⁶¹ By the end of the 1850s, the idea of preventing slave mechanics from competing with white workers was being discussed across the South.

In January 1860, a South Carolina newspaper, the *Camden Journal*, printed an editorial in favor of restricting slave mechanics which gained regional attention and intensified the debate on this thorny issue. It contended that individual masters, by focusing on profits and defending their right to use their slaves however they chose, were endangering the future of the institution. “It is decidedly impolitic,” the *Journal* declared, “to force slavery into any channel where it materially injures that class, who are not only the most numerous, but who are best adapted to protect the interests of the institution when assailed in a physical manner.” With the sectional crisis growing worse, it advised, “we should strive to secure the most perfect unanimity of sentiment among all classes at the South.” While proslavery men could “theorize” on how the institution benefited all southerners, the *Journal* argued, “the *white mechanic*” found “the reasonings of such philosophy, refuted . . . by the every-day practical experience of himself and fellow mechanics.” In this area, it explained, slaveholders received profits by depriving white workers of their incomes. “Owners of slave mechanics,” it said, “find remunerative employment for their investment . . . while the white mechanic is forced to eke out but half a living.” A master could employ slave mechanics at home, the *Journal* contended, “but the question wears quite a different costume when he throws

²⁶⁰ “The Late Southern Convention,” *DeBow’s Review* 27 (July 1859): 102. The resolutions, introduced by a Mr. Purdon, were, on his motion, laid on the table without reading.

²⁶¹ “Employment of Slaves,” *Mobile Mercury in Southern Cultivator* 18 (January 1860): 19.

this labor into competition with the white mechanic.” Although restricting slave mechanics may seem to limit the slave owner’s “right of direction and use of property,” it said, some legislation was needed to “curb the shortsighted policy of those who are daily and yearly sowing the seeds of disaffection to the institution.” The *Journal* said it did not want to cause strife, but to promote “the welfare of a common cause,” by drawing attention to the “determined sentiment on the part of white mechanics to demand the removal of a serious obstacle to their success.” If slaveholders would not keep their bondsmen from competing with whites, it concluded, southern legislatures “should unite . . . in shutting out from hostility to the white man, that element of labor, which, as a citizen of the South, he is expected to protect even at the risk of life.”²⁶² Like high slave prices in the 1850s, the competition with white mechanics resulted from individual masters’ economic choices and could be prevented only by government intervention. The *Journal’s* editorial was reprinted in several newspapers and an agricultural journal, leading to further discussion of the subject and demonstrating that a considerable segment of the population deemed it an important question of public policy.²⁶³

In the year before the Civil War, supporters of restriction proliferated across the South. “Python,” a contributor to *DeBow’s Review*, lambasted slaveholders for “pursuing the unwise and selfish policy” of placing their slaves in competition with white mechanics. That policy, he wrote:

[O]riginated . . . among the no-property men of the South . . . a feeling of deep-rooted hostility and prejudice, of painful antagonism, if not hostility, to the institution of negro slavery, that threatens the most serious consequences, the moment Black-republicanism becomes triumphant in the Union.

With Republican victory in the 1860 presidential election looming as a distinct possibility, little time remained to remedy the problem. Python noted that the Republican party targeted southern white workers with its propaganda, which emphasized slaveholders’ minority status. He called on

²⁶² “Negro Mechanics,” *Camden Journal*, January 10, 1860.

²⁶³ Salisbury *Carolina Watchman*, January 17, 1860; *Edgefield Advertiser*, January 18, 1860; *Greenville Southern Enterprise*, January 19, 1860; *Southern Cultivator* 18 (February 1860): 54. The editorial also elicited criticism, see “Negroes in the Workshop, as Mechanics,” *Southern Cultivator* 18 (July 1860): 204-205.

slave owners to “allay this antagonism in their midst,” by consenting to legislation that would “confine the negro to the soil.” The white mechanic, he concluded, “would be at once converted from an open, or secret enemy of negro slavery, into its firmest advocate and supporter.”²⁶⁴ Days before South Carolina left the Union, “A Master Mechanic” advocated removing slaves from the mechanical trades. “By the adoption of such a policy,” he wrote, looking to a potential war with the North, “a closer bond of union would exist between the various classes of our citizens, and thus they would be strongly united in the support and defence of our Southern institutions.”²⁶⁵ In the spring of 1861, the *Georgia Weekly* proposed that slaves and free blacks should no longer be trained as mechanics. It contended, as paraphrased by the editor of the *Southern Cultivator*, that such a prohibition “would increase the strength of our ‘peculiar institution’ at home, by enlisting non-slaveholders in its behalf.”²⁶⁶ The *Unionville Press* suggested the following division of labor for an independent South: “The negro for the cotton, sugar and rice fields . . . the white man for the machine shop.” It said enlistment in “the first Union volunteers, and the Johnson Riflemen” spoke “for our mechanics,” and called on readers to “remember them and do our duty.”²⁶⁷ Until the outbreak of war, southern ameliorators proposed restrictions on slave mechanics in order to ensure that skilled white workers would take an active role in defending slavery from the North.

For their part, slaveholders opposed to any limits on the employment of slave mechanics claimed that such restrictions would be the first step toward abolition, by making slave labor less profitable and by establishing the precedent that the state could regulate it. In 1859, Mississippi planter M. W. Phillips objected to the idea of any legal constraint:

[I]t is the entering wedge to prostrate the institution. If you have the right to say, I must not teach my negro a trade and not use him thus, you can do anything with my negro. If

²⁶⁴ “The Issues of 1860,” *DeBow’s Review* 28 (March 1860): 254-255. The quoted passages were part of an appeal which Python directed to southern congressmen in January 1858; see page 252 of the cited article. Python’s views were excerpted as “Negro Mechanics,” *Southern Cultivator* 19 (January 1861): 14-15.

²⁶⁵ *Charleston Courier* in *Columbia Tri-Weekly Southern Guardian*, December 11, 1860. The article appeared in the *Courier* on December 7, 1860.

²⁶⁶ “Negro Mechanics,” *Southern Cultivator* 19 (May 1861): 152.

²⁶⁷ “Our Duty to our Country,” *Unionville Press* in *Farmer and Planter* 12 (August 1861): 230-231.

you can array public opinion against me for this, you can for anything. . . . They are my property, and the Constitution should defend me in the use of it.²⁶⁸

One year later, “Congaree” echoed those sentiments: “When a people move in the direction of prescribing to the owner of the negro how he shall work that negro, they at once move in the direction of the Black Republicans.” He believed the use of white mechanics, carriage drivers, cooks, and waiters would “introduce an enemy as deadly as Strychnine.” In support of that claim, Congaree argued that white servants in New Orleans stole from their employers. He exclaimed: “God forbid we should have any more white labor imported here among us.”²⁶⁹ Another South Carolina slave owner claimed that “Prudence,” who favored restricting slave mechanics, should have “signed himself a Southern Mechanic with Northern principles; or a would-be Abolitionist.” Contending that “mechanism is just as legitimate a business for the slave as for the white man,” the writer said no one could object to that claim, “unless through interested motives—being a mechanic himself, and to put down competition,” or because “abolition is his object.”²⁷⁰ In July 1860, “Saluda” confronted the *Camden Journal’s* argument, as he summarized it, that “the class of white mechanics is . . . sufficiently numerous to serve as a protection to slavery” in the event of war. He denied that white mechanics ought to be “protected by the law” from competition. There was no reason, Saluda wrote, that “if the class is large and influential, they should be protected.” Conversely, “if they are an insignificant class, the objection applies with redoubled force.” In other words, if white mechanics were so few in number as to contribute little to a military force, their wishes could safely be ignored by slave owners. He utterly rejected the notion that the state could impose restrictions, saying any change “must come from the demand, produced by better farming, for all our slaves on the plantation.”²⁷¹ Saluda considered only the economic interests of

²⁶⁸ *DeBow’s Review* 27 (July 1859): 120.

²⁶⁹ “Negroes in the Work-shops, as Mechanics,” *Southern Cultivator* 18 (September 1860): 289.

²⁷⁰ “Employment of Slaves—Col. Calhoun’s Address, &c.,” *Southern Cultivator* 18 (March 1860): 100.

²⁷¹ “Negroes in the Workshop, as Mechanics,” *Southern Cultivator* 18 (July 1860): 204-205.

individual slaveholders, ignoring the fact that slavery was also a social institution that made heavy demands on all whites.

Slaveholders managed to stave off this effort to impose controls on the employment of their bondsmen, casting white mechanics who sought to defend their class interests as enemies of the South. An incident in Georgia during the secession crisis showed the direction in which white mechanics' frustrated aspirations could turn and revealed the extent of slaveholders' hegemony. William B. Hall was accused of encouraging "abolition sentiment," a local newspaper reported, for organizing "a poor man's society" and "seducing a number of the ignorant work men to join him." Hall planned to attempt "the exclusion by force of our negroes from all employment except the Cotton field, and the use of force to get work and bread." A local committee investigated and concluded that Hall and two accomplices had used "intemperate language, utterly inconsistent with the safety of the institution of slavery and the peace of the South."²⁷² In that account, white workers trying to defend their livelihoods were threats to the public interest, which was defined as being synonymous with slavery.

Proposed Solutions to the Nonslaveholder Problem

Southerners concerned with maintaining nonslaveholders' loyalty to slavery during the late antebellum years suggested two diametrically opposed means of achieving that goal. First, recognizing that much of the rural white population was underemployed and poor, proponents of industry argued that factory work would improve the condition of those whites and give them an interest in preserving the existing order. Their guiding principle was stated in an essay included in a contemporary southern schoolbook. "Useful employment," the essay read, "establish[es] a

²⁷² "Excitement in Americus," *Sumter Republican* in *Charleston Daily Courier*, December 17, 1860.

reciprocal sympathy and fellow-interest among all classes of society.”²⁷³ As a concomitant, some pushed for improving public education in the South, arguing that a well-trained population would be more useful and have a greater stake in society. Conversely, a second group believed that only a direct financial interest in slavery, through ownership, effectively secured a person’s loyalty to the peculiar institution. In keeping with that view, they hoped to diffuse slavery and make every white head of a family a slaveholder. One way in which they hoped to increase the proportion of slaveholders was by reopening the African slave trade, so as to increase the supply of bondsmen. These competing visions of the South’s future and the white nonslaveholder’s place in it were completely irreconcilable.

In 1844, South Carolina industrialist William Gregg wrote a series of essays which called for establishing factories to manufacture cotton goods. He argued that the state had the elements needed for success, including the raw material, ample waterpower, and a ready supply of white labor. Gregg emphasized the fact that such factories would enable thousands of white residents to escape poverty and ignorance. “Shall we pass unnoticed,” he asked, “the thousands of poor, ignorant, degraded white people among us?” Anyone who set up a factory in the state, Gregg wrote, would “have crowds of these poor people around you, seeking employment at half the compensation given to operatives in the North.” It may be painful to see those poor whites, he said, but “it is pleasant to witness the change, which soon takes place in the condition of those, who obtain employment.” Putting those whites to work, Gregg continued, would not only help them but add to the wealth of the state. “We have a large class of miserable poor white people among us,” he declared, “without any employment to render them producers to the State.” He estimated that South Carolina had fifty thousand white adults who “are non-producers to our

²⁷³ *The Southern Reader and Speaker; Containing Selections in Prose and Poetry, for Exercises in Reading and Speaking, in the Academies and Schools of the Southern States. Book Third* (Charleston: Wm. R. Babcock and McCarter & Co., 1856), 50.

State.”²⁷⁴ Gregg threw himself into the task, establishing a factory at Graniteville, South Carolina, which employed hundreds of whites and became the model for such endeavors.²⁷⁵

William Gregg’s confidence in the ability of cotton factories to improve the lives of rural poor whites was shared by many other southerners. A writer to the *Southern Miscellany* believed that men who set up factories “will not only enhance the value of everything around them” but also “give employment, food and raiment to many who would otherwise scarcely eat a cheerful meal.”²⁷⁶ The *South Carolinian* described the transformation which would take place in the white man employed in a factory: “He will become as it were a new being; employment will divert him from those idle habits which engender intemperance and disease.” As a result, it continued, “our State would thus be enriched by an industrious class of men.”²⁷⁷ In 1850, Joseph Lumpkin told the South Carolina Institute that the state’s “poor, degraded, half-fed, half-clothed, and ignorant population” would be helped by work “which will bring them under the oversight of employers, who will inspire them with self-respect, by taking an interest in their welfare.”²⁷⁸ Benjamin F. Perry echoed Gregg’s assertion that fifty thousand whites in South Carolina were “without any regular permanent employment, and without proper means of subsistence.” Those persons, he said, were “not only destitute, but sunk low in ignorance, and too often steeped in vice.” Employment in factories, Perry claimed, “would relieve their wants, and elevate their social condition.”²⁷⁹ Proponents of southern manufacturing sought to accommodate poor whites who did not share in the prosperity of a society dominated by slaveholders.

²⁷⁴ William Gregg, *Essays on Domestic Industry: An Inquiry into the Expediency of Establishing Cotton Manufactures in South Carolina* (1845; reprint, Graniteville, SC: Graniteville Co., 1941), 48-49, 106-107.

²⁷⁵ The editor of one agricultural journal said “the best arranged cotton factory known to us in the South” was at Graniteville.: “Cotton Manufactures at the South,” *Southern Cultivator* 7 (November 1849): 169. In 1856, Benjamin F. Perry said Gregg deserved “to be regarded as a great public benefactor,” to South Carolina, for having “given employment to hundreds of its poor people, and added prosperity and wealth to the whole State.”: *Address of the Hon. Benj. F. Perry . . . November, 1856*, 19.

²⁷⁶ “Southern Folly,” *Southern Miscellany* in *Southern Cultivator* 4 (May 1846): 80.

²⁷⁷ “Our State,” *South Carolinian* in *Southern Cultivator* 5 (August 1847): 127.

²⁷⁸ *An Address delivered before the South-Carolina Institute, at its Second Annual Fair, On the 19th November, 1850. By Jos. H. Lumpkin, A Member of the Institute* (Charleston: Walker & James, 1851), 28.

²⁷⁹ *Address of the Hon. Benj. F. Perry . . . November, 1856*, 21.

One of the greatest obstacles encountered by southern advocates of manufacturing was the belief that a white proletariat would be hostile to slavery. A South Carolina newspaper, the *Winnsboro Register*, tried to disabuse its readers of that concern in 1856. "Many Southern men," it said, preferred "supporting manufacturers abroad," because of "unfounded and unreasonable fears" that "a white population of factory operatives" would grow "sufficiently large to become dangerously inimical to negro-slavery." The *Register* claimed that "experience, more powerful than conjectures" had demonstrated that such fears were "but imaginary."²⁸⁰ Years earlier, in 1849, James Henry Hammond maintained that employing poor whites in factories would keep them out of trouble and give them a reason to support the institution of slavery. Referring to the underemployed whites in rural areas, Hammond said: "They obtain a precarious subsistence, by occasional jobs, by hunting, by fishing, sometimes by plundering fields or folds, and too often by what is, in its effects, far worse, trading with slaves." If those whites were working in factories, he implied, they would at least not be a nuisance to slaveholding planters. To refute the idea that "white factory operatives" would be "hostile to our domestic institutions," he warned that "more danger may be apprehended" from poor whites "in the present state of things." Hammond argued that whites employed in cotton manufacturing would feel an interest in preserving slavery:

The factory operative could not fail to see . . . that the whole fabric of his own fortunes was based on our slave system; since it is only by slave labor that cotton ever has been, or ever can be, cheaply or extensively produced. Thus . . . from convictions of self-interest, greatly strengthened by their new occupation, this class of our citizens might be relied on, to sustain as firmly and faithfully as any other, the social institutions of the South.²⁸¹

By giving poor whites employment in manufacturing the raw materials grown by slave labor, the South's ruling class would assure itself of their support in a crisis. Rather than let the rural white nonslaveholders languish in poverty, and risk their hostility, Hammond contended, slave owners would do better to co-opt them.

²⁸⁰ "Southern Manufactures," *Winnsboro Register* in *South Carolina Agriculturist* 1 (December 1856): 335.

²⁸¹ *An Address delivered before the South Carolina Institute, at its First Annual Fair, On the 20th November, 1849. By James H. Hammond, A Member of the Institute* (Charleston: Walker and James, 1849), 33-34.

James M. Wesson, a director of the Mississippi Manufacturing Company, asserted that the most beneficial aspect of southern industry was its effect on white laborers. In an 1858 letter meant for publication in an agricultural journal, Wesson said the company had produced “many good results” to its owners, to the community, “and especially to our operatives.” The impact on its workers, he asserted, was “in a political sense . . . perhaps the most important” aspect of the company’s activities. Wesson reported that the “improvement in the character and standing of the men and their families, who have been for any length of time in our employment is such as hardly to be believed.” If the South engaged in more industrial pursuits, he wrote, “a large and prosperous class” could be “created out of the very dregs of society.” More important than “all pecuniary considerations” however, was the manner in which manufacturing would contribute to the security of slavery. Discussing the “very numerous class” of poor whites, Wesson wrote: “It is a debatable question whether they are benefited by the peculiar institution, or not, and as we have some doubts about their interest, we may doubt their political position upon a direct issue.” The general adoption of manufacturing in the South, he argued, would alter that condition and “identify them with the institution.” At his company, workers produced woolen materials which clothed slaves, and they manufactured the cotton grown by slaves, a combination which secured those whites’ loyalty to slavery. Wesson explained: “When they become the manufacturer of the article consumed by the negro on the one hand, and the manufacturer of the article produced by the negro on the other, they are as clearly identified with him as the owner is, for by him they both get their bread.” If nonslaveholders were dependent on slave laborers for their incomes, he believed, they would be as steadfast in defending the institution as slaveholders themselves. Wesson advised, if the South should take up manufacturing, that “we do it in all of its various departments with white labor.”²⁸² The Mississippi Manufacturing Company was not only in the

²⁸² James M. Wesson to Colonel Claiborne, August 11, 1858, John Francis Hamtramck Claiborne Papers, SHC. Claiborne asked Wesson to provide information on the company for publication in the *Sea Shore Farmer*. The act which incorporated the Mississippi Manufacturing Company may be found in *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, Held in the City of Jackson, January February, and March, 1852* (Jackson: Palmer & Pickett, 1852), 347-349 (hereafter cited as *Mississippi Laws, 1852*).

business of creating goods, it also aspired to construct support for slavery among all classes of southern whites.

Southerners who hoped to ensure nonslaveholders' loyalty to slavery by improving their living conditions advised slave owners to support better public education. Benjamin F. Perry, in a speech extolling the virtues of industrial employment for poor whites, said: "[E]ducation is the business of the State. It is the imperative duty of the State, her highest duty, to afford the means of education. . . . so that every child in the State, may, at least, read and write and cypher."²⁸³ In a series of articles printed by the *Southern Cultivator* in 1856, a Georgia resident implored slave owners to support common schools. By investing in public education, he argued, the wealthiest part of society would improve the lives of the poor and increase the security of all property. The author, "L," lamented the fact that Georgia had "not far from forty thousand adult white persons who can neither read nor write."²⁸⁴ When they rejected the higher taxes needed to pay for better public schools, L contended, slaveholders eroded the legitimacy of their rule. "It is little short of madness," he warned, "for any kind of property, public institution, or government to provoke the hostility of the people." He lauded the example of nations like Prussia and Austria, which taxed property to fund public education, asserting that "every poor family sees and feels the benefit of that wealth which others possess." The best way to achieve harmony between the various classes of society, L argued, was to elevate "the lower to the upper." He asked: "Can the slaveholders of the South safely ignore this great principle in reference to the education of poor white families?" They could not, he answered, unless they wanted to have "envy, strife and domestic contention" proliferate in the South. Like most southerners who concerned themselves with nonslaveholders, L worried about the threat posed by the Republican party. He predicted that, "for many years to come," a "large, active and unscrupulous party" would be advancing the claim that slavery was

²⁸³ *Address of the Hon. Benj. F. Perry . . . November, 1856*, 16.

²⁸⁴ "The Educational Wants of Georgia. No. 1," *Southern Cultivator* 14 (July 1856): 205.

detrimental to nonslaveholders. To insulate slavery from Republican party ideology, he favored a concerted effort to better the lives of lower-class whites, crowned by public education:

The wants of non-slaveholders, and of the poor, should be considered, and, if reasonable, promptly met. Their industry should be fostered; their intellectual culture and social elevation promoted, and their sympathies fully identified with the leading institution of the planting States. A tax on slaves in common with other property, for the free education of the children of non-slaveholders would show that . . . [slavery] confers on all classes plain and palpable benefits.²⁸⁵

If they wanted southern nonslaveholders to stand with them in a crisis, L and other ameliorators warned, slave owners had to make the benefits of their peculiar institution more generally felt. In February 1860, a contributor to the *Sumter Watchman* echoed the call for slaveholders to provide for better public education. He exclaimed: "Slave-owners! contribute from the means with which God has blessed you to educate the children of your poor white neighbors. . . . [R]aise money by taxation upon property, to support free-schools." The writer concluded ominously, saying "it is impolitic, it is unjust," that any white man should be unable to write his name.²⁸⁶

From the mid-1850s until the start of the Civil War, a small but voluble group of radical proslavery ideologues agitated for reopening the African slave trade, which had been prohibited since 1808.²⁸⁷ These men argued that renewing the trade would be a panacea for southern slavery, providing an influx of laborers and restoring the South to political equality with the North.²⁸⁸ The supporters of reopening consistently made the uncertain loyalty of nonslaveholders a centerpiece of their rationale, asserting that the trade would lower the price of slaves and bring them within

²⁸⁵ "The Educational Wants of Georgia. No. 3," *Southern Cultivator* 14 (September 1856): 282. Like William Gregg and other champions of industry, L believed remunerative employment was essential to retaining the support of poor whites. He wrote: "Make the industry of white persons available for the wants of society, and you remove the most prolific source of uneasiness and dissatisfaction among those who own few or no slaves.": "The Educational Wants of Georgia. No. 3": 282-283.

²⁸⁶ "Poor White Men at the South—No. 2," *Sumter Watchman*, February 29, 1860.

²⁸⁷ The best general account of the movement is Takaki, *A Pro-Slavery Crusade*. For a treatment of the central role played by South Carolina men in the movement, see Sinha, *The Counterrevolution of Slavery*, 125-186.

²⁸⁸ The idea of reopening as a cure-all was apparent in the title of one pamphlet: Leonidas W. Spratt, *The Foreign Slave Trade: The Source of Political Power—of Material Progress, of Social Integrity, and of Social Emancipation to the South* (Charleston: Walker, Evans & Co., 1858). In political terms, slave trade proponents argued that an influx of African slaves would increase the number of southern representatives in Congress and facilitate the creation of additional slave states from the territories.: Takaki, *A Pro-Slavery Crusade*, 25-26.

the means of all southern whites. South Carolina's Leonidas W. Spratt, the preeminent champion of reopening, said the trade would "restore integrity to the social system of the South." While he claimed "men who own no slaves" would defend the South against an "external enemy," Spratt worried that such men "would rather strike for the *South* than for *Slavery* at the South." Only the direct interest of slave ownership, he said, would ensure the nonslaveholder's support of slavery. Free labor in the South was "true" to the region, Spratt wrote, "but it is naturally and necessarily conservative of its own peculiar interests." He warned that the "odious distinction between the slave owner and the non-slave owner . . . at some other time may much disturb the repose and temper" of the South. Spratt maintained that every southern white "would own a slave if he could get one," and he claimed that a man "owning one slave would be as much a slave owner as if he held a hundred." For Spratt, and many other proslavery ideologues, the distinction between slaveholder and nonslaveholder was far more important than the fine gradations within either class. Under a renewal of the African slave trade, Spratt predicted, "the differences at the South will be harmonized." He rhapsodized about the effects that cheap African slaves would have on the South: "Every white man of capacity will own his slave. . . . All of the ruling race will come to the same social stand point; all will cast their votes from the same position . . . they will have a common interest, and a common cause."²⁸⁹ If the slave trade were not reopened, Spratt implied, the competing interests of southern whites could spark class conflict in the near future.

Most proponents of reopening the African slave trade hewed closely to Spratt's argument by emphasizing the decisive role of financial self-interest. Edward B. Bryan claimed that "every Southern man, be he rich or poor, slaveholder or non-slaveholder," was "interested in preserving and protecting slavery, just as he is in respect to land and property in general." He qualified that statement considerably, however, saying "it may well be questioned whether his interest is more *enlisted* in one case than in the other." If slave owning were restricted to a small minority, Bryan

²⁸⁹ Spratt, *The Foreign Slave Trade*, 11-13.

warned, the nonslaveholder would be “*tempted* to recreancy” if slavery came under attack. He juxtaposed the threats posed by Republican ascendancy in the North and the proportional decline of slaveholding in the South. “While we are fortifying our position against external enemies,” Bryan advised, “we should be careful to preserve our internal strength.” To do that, he declared, “a common interest should not only exist in theory, but be visible and material, in order to be *felt*.” Once a southerner entered the master class, he would be as interested in defending slavery as the wealthiest planter. A man “whose capital consists of a few negroes” Bryan wrote, “is just as earnest and reliable a defender of slavery as he who owns five hundred.” He implored slave owners to “avoid a perpetual exclusion of slaves from the farms or work-shops of their poorer fellow-citizens” by supporting the effort to renew the African trade.²⁹⁰ Edward A. Pollard wrote that reopening the trade would be “especially” beneficial to “the interests of the working classes and yeomanry of the South.” While he believed poor whites “would die for the South and her institutions,” Pollard declared that such whites were “deprived of all share in the benefits of the institution of slavery.” If the African trade were reopened, he predicted, the poor white could afford to buy a slave, and would “acquire a practical and dear interest in the general institution of slavery, that would constitute its best protection.”²⁹¹ Louisiana state senator Edward Delony warned that unless the South resumed importing slaves from Africa, “a monopoly of slave labor will be established,” which would be “eminently dangerous to the institution itself.” He wanted to “diffuse” slavery “more generally among the people,” in order to “consolidate and strengthen” the institution.²⁹² By asserting the primacy of self-interest, the advocates of reopening suggested that nonslaveholders had no reason to support slavery. In doing so, they undermined central tenets of the proslavery argument, they reified the idea of class conflict in the South, and they implicitly admitted the legitimacy of the Republican critique of slavery.

²⁹⁰ Bryan, *Letters to the Southern People*, 35.

²⁹¹ Pollard, *Black Diamonds*, 53-54.

²⁹² “The South Demands More Negro Labor,” *DeBow’s Review* 25 (November 1858): 493-494.

By determined advocacy and dogged persistence, Leonidas Spratt managed to bring the discussion of reopening the African slave trade into the limelight. Spratt launched his campaign with the publication of a newspaper article, “The Destiny of the Slave States,” on June 25, 1853.²⁹³ He and other proponents of reopening won a signal triumph in November 1856 when South Carolina governor James H. Adams recommended the measure in his opening message to the state legislature. Adams said reopening was “necessary . . . perhaps to the very integrity of slave society,” because the South’s inability to import slaves had “induced an undue proportion of the ruling race.”²⁹⁴ Most of the editorial reaction to Adams’s message was quite unfavorable, but it nevertheless brought the proposal to the attention of newspaper readers across the South.²⁹⁵

During the latter half of the 1850s, supporters of reopening made the annual Southern Commercial Convention an important forum for their project. Meeting since the 1830s, these conventions initially focused on commercial issues and were mostly attended by businessmen who hoped to diversify the region’s economy and enable the South to thrive within the Union. Beginning with the 1856 meeting in Savannah, however, the Southern Commercial Conventions increasingly centered around political issues, with radical opinions holding sway. The process culminated at the 1859 Vicksburg convention, when Spratt won the passage of resolutions in favor of reopening the African slave trade.²⁹⁶ In the Southern Commercial Conventions of the late 1850s, slave trade proponents regularly mentioned the need to bring nonslaveholders into the master class. At Savannah in 1856, Georgia delegate W. B. Goulden said reopening would “strengthen the institution by making slaves so cheap that every man could own them, and thus

²⁹³ Takaki, *A Pro-Slavery Crusade*, 1.

²⁹⁴ “Message No. 1,” *Charleston Mercury*, November 26, 1856.

²⁹⁵ Adams’s recommendation to reopen the slave trade was discussed, for example, in the following newspapers: *Richmond Enquirer*, November 28, 1856; *New Orleans Bee*, December 1, 1856; *New Orleans Daily Crescent*, December 1, 1856; *Milledgeville Federal Union*, December 2, 1856; *Augusta Daily Chronicle and Sentinel*, December 2, 1856; *Raleigh Semi-Weekly Standard*, December 3, 1856; *Baton Rouge Advocate* in *New Orleans Daily Crescent*, December 4, 1856.

²⁹⁶ Takaki, *A Pro-Slavery Crusade*, 146-159.

prevent . . . an antagonism between slavery and labor.”²⁹⁷ During the next convention, held at Knoxville in August 1857, Spratt pushed through a resolution calling for a committee to study reopening and report its findings to the 1858 meeting in Montgomery.²⁹⁸ The eleven members of the committee included Spratt, one governor, a U.S. Senator, three incumbent congressmen, one former congressman, and two men, William L. Yancey and John A. Quitman, who exercised significant political influence in their states.²⁹⁹ In Montgomery, Spratt presented the committee’s report, which favored reopening the slave trade.³⁰⁰ At the end of the session, he summarized the findings: “The committee . . . assume[d] that there might be in the Southern States a class of men, who . . . from their particular relation and condition in regard to . . . slavery, might not feel that same solicitude about the welfare and success of that institution that others did.” That lack of concern among nonslaveholders, Spratt said, led the committee to decide that it was “necessary to devise some means by which this class of citizens should be, from motives of interest, led to entertain a different feeling.”³⁰¹ One member of the committee, Roger Pryor, dissented from the report, saying he objected to the idea that “none can be loyal to the institution of slavery unless he be pecuniarily interested in it.”³⁰² A year later, in May 1859, the Vicksburg convention passed a resolution calling for the repeal of all state and federal laws against the trade.³⁰³ In doing so, it tacitly affirmed the validity of the claim that nonslaveholders’ loyalty to slavery was uncertain.

²⁹⁷ “Southern Convention at Savannah,” *DeBow’s Review* 22 (February 1857): 222. After the Savannah convention dedicated much of its time to the slave trade question, a Georgia editor stated an opinion which gained currency as the decade progressed: “Men of ultra and fanatical opinions, who would not be selected by the people to legislate for them, gain admittance into these Conventions, and use them for the purpose of manufacturing a public opinion, which does not exist.”: “The Action of the Southern Convention,” *Milledgeville Federal Union*, December 23, 1856.

²⁹⁸ “The Southern Convention at Knoxville,” *DeBow’s Review* 23 (September 1857): 317, 319.

²⁹⁹ “Southern Convention Committees,” *DeBow’s Review* 23 (October 1857): 440. The committee included Florida governor James E. Broome; Senator Robert Toombs of Georgia; former Louisiana congressman John Perkins; William Lowndes Yancey of Alabama; John A. Quitman of Mississippi; and three incumbent congressmen: Thomas Clingman (North Carolina), Roger Pryor (Virginia), and Albert Rust (Arkansas).

³⁰⁰ “Report on the Slave Trade,” *DeBow’s Review* 24 (June 1858): 487-488.

³⁰¹ “Late Southern Convention at Montgomery,” *DeBow’s Review* 24 (June 1858): 601.

³⁰² “Late Southern Convention at Montgomery,” *DeBow’s Review* 24 (June 1858): 581.

³⁰³ Takaki, *A Pro-Slavery Crusade*, 150. For Spratt’s remarks at Vicksburg, see “Southern Convention at Vicksburg,” *DeBow’s Review* 27 (August 1859): 208-209.

Despite Spratt's tireless efforts, reopening of the African slave trade did not come close to implementation and it was rejected by the Confederacy in February 1861. The movement to renew the trade faced powerful opposition, both within and outside of the South. First, any effort to import slaves from Africa would almost certainly have sparked a conflict with the North and with England. Following Governor Adams's 1856 message, the *Richmond Enquirer* made that point: "[R]evival of the African slave trade as a legal commerce, is a practical impossibility. Our own laws condemn the traffic; and there is no chance of their repeal. The laws of the civilized world denounce the severest penalties of piracy against it."³⁰⁴ Second, many southerners feared that discussion of the issue would hamper regional unity and alienate moderates. In the South Carolina legislature L. Y. Simmons Jr. introduced a resolution declaring that advocacy of the trade would "alienate from her the support and sympathies of her sister states."³⁰⁵ Third, and perhaps most important, the renewed importation of African slaves would have imposed heavy financial costs on slave owners by eroding the value of their current holdings. Opponents of the trade repeatedly noted the effect it would have on the South's most powerful class. A contributor to the *Daily South Carolinian* asked: "Suppose it done; and one thousand slaves imported into Charleston at \$200 each, what effect will it have upon the value of other slave property in South Carolina?"³⁰⁶ During the Savannah convention, Louisiana delegate Albert J. Pike claimed that reopening would cause slave prices to fall from \$1,200 to \$200, and warned that "the necessary result would be, that those now in the country would be proportionably decreased in value."³⁰⁷ In response, supporters of reopening claimed that any financial loss would be offset by the fact that bringing nonslaveholders into the master class would make slavery more secure. James DeBow wrote:

The larger proprietors . . . may see, that even let the worst happen, and their slaves . . . depreciate in the market, the condition will at least have inappreciable advantages of

³⁰⁴ "South Carolina Statesmanship—Message of Gov. Adams," *Richmond Semi-Weekly Enquirer*, November 28, 1856.

³⁰⁵ *Milledgeville Federal Union*, December 16, 1856.

³⁰⁶ "The Slave Trade," *Columbia Daily South Carolinian*, December 2, 1856.

³⁰⁷ "Southern Convention at Savannah," *DeBow's Review* 22 (February 1857): 220.

another kind, in this, that the basis of slavery will be enlarged, and be brought to embrace in a direct and tangible interest, *every member of the community*.³⁰⁸

Virginia author George Fitzhugh reiterated the point, arguing that large slaveholders injured by a reduction in slave prices would be partly compensated “by the security which the extension of slavery will afford to them.”³⁰⁹ In making that claim, though, advocates of reopening contradicted a fundamental premise of their argument: the primacy of financial self-interest. They essentially asked individual slave owners to forgo much of their own wealth in order to achieve the inchoate goal of buttressing the slaveholding class. Most slave owners proved unwilling to increase the proportion of slaveholders at such great personal cost.

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In the decade before the Civil War proslavery ideologues became increasingly concerned about the potential for class conflict in the South. The decline in the proportion of slave owners combined with the rapid ascent of the Republican party in the North to create a feeling of crisis among southerners who worried that nonslaveholders’ frustrated aspirations would make them receptive to free-soil ideas. Uncomfortable with nonslaveholders, many slave owners held poor whites in contempt and preferred to elide the existence of a white working class in the South. In addition, masters feared and resented the influence which neighboring lower-class whites could have over their slaves and tried to prohibit interaction between the two. Most troubling was the latent political strength of the nonslaveholding white majority, which, proslavery men feared, might be turned against slavery. During the 1850s, southern politicians who represented mostly nonslaveholding constituencies became much more assertive in demanding equal treatment on issues of legislative apportionment and taxation. In many instances, these politicians, who were not opponents of slavery, employed rhetoric that was sharply critical of slave owners’ privileges. Proslavery men worried that the passions engendered by these intrastate political conflicts might

³⁰⁸ “African Labor Supply Association,” *DeBow’s Review* 27 (August 1859): 234.

³⁰⁹ “Missionary Failures,” *DeBow’s Review* 27 (October 1859): 386.

lead nonslaveholders to turn against the institution of slavery itself. Some counseled intransigent slaveholders to grant concessions on taxation and representation, to ensure the continued support of all whites. These ameliorators also hoped to win nonslaveholders' loyalty by improving their economic and educational opportunities. On the other hand, more extreme proslavery ideologues opposed any concessions because of their belief that nonslaveholders were inherently unreliable on the issue of slavery. Only the direct interest conferred by ownership, they maintained, ensured that an individual would defend slavery. One manifestation of this belief in the primacy of direct interest was the effort to reopen the African slave trade. Proponents of reopening emphasized its ability to bring nonslaveholders into the master class, but their campaign failed because renewing the trade would have invited war and harmed the material interest of slave owners. When South Carolina governor James H. Adams called for reopening the slave trade in November 1856, he also recommended a second measure designed to increase the proportion of slaveholders. That proposal, free of the complications which surrounded the African slave trade, won considerable support across the South.

Chapter Two:

The Slave Exemption

On November 24, 1856, South Carolina governor James H. Adams presented one of the most controversial political statements of the antebellum era. In his opening message to the state legislature, Adams issued a clarion call to action, arguing that the growth of the Republican party made conflict over slavery inevitable in the near future. To prepare the South for the forthcoming showdown, he recommended two measures designed to strengthen slavery. In order to increase the proportion of slaveholders in the white population, Adams proposed exempting at least one slave per owner from being sold for debt. He also called for reopening the African slave trade as a way to provide the South with an ample supply of labor. A governor's opening message, writes Lacy Ford, was "generally reprinted in full," discussed in "weekly newspapers throughout the state," and usually "set the tone for that year's General Assembly."¹ In 1856, Governor Adams's message did that and more, provoking discussion across the South and impacting the agenda of several state legislatures. While his call for reopening the slave trade initially attracted the lion's share of attention, Adams's slave exemption proposal gained more popularity and became law in Mississippi. The debate over slave exemption touched on many issues, including class relations, slaves' humanity, debtors' rights, the proper role of credit, and slaveholders' conception of their institution. Most important, it reveals much about the causes of secession.

Governor Adams's message epitomized elite southern concern about the confluence of internal and external threats to slavery in the 1850s. Internally, the proportion of slaveholders in the South's free population dropped from 31% to 26% in that decade.² The ascendancy of the

¹ Lacy K. Ford, Jr., *Origins of Southern Radicalism: The South Carolina Upcountry, 1800-1860* (New York: Oxford University Press, 1988), 303.

² Gray, *History of Agriculture in the Southern United States To 1860*, 1:482, table 7. Original data from census sources. Gray calculated the slaveholding population by multiplying the number of slaveholders by the average family size.

Republican party in the North, with its free-soil ideology, constituted the external threat. Adams delivered his message just after the 1856 election, in which the Republican presidential candidate won eleven of sixteen free states. A party that did not exist before 1854 had shown remarkable electoral strength. Slaveholders grimly noted, as William Gienapp writes, that “in less than twelve months the Republicans had transformed their party from the weakest party in the North to the strongest.”³ Adams began by interpreting the results of the election.⁴ In the context of “the vital issue” of slavery, he said, Buchanan’s election was but “a barren triumph . . . a brief respite . . . destined to end in . . . distracted counsel among ourselves.” Adams anticipated William Seward’s enunciation of an ‘irrepressible conflict’ by more than a year, telling lawmakers: “Slavery and Freesoilism can never be reconciled.” The Republicans, he cautioned, “have been defeated—not vanquished,” and most of the northern states had gone against the South “upon a purely sectional issue.” Adams issued a tocsin for the Union: “The triumph of this geographical party must dissolve the Confederacy.” Implicit in his remarks was the idea that dissolution could come as soon as 1860, when the Republicans might win the presidency. Adams implored the legislature, and the South in general, to “employ the interval of repose afforded by the late election in earnest preparation for the inevitable conflict.” He proposed slave exemption and reopening of the slave trade as ways to place the South in readiness.⁵

Adams’s proposal of a debt exemption for slaveholders explicitly linked the dual threats to the South. “The outward pressure against the institution of slavery,” he said, “should prompt us to do all we can to fortify it within.” Slave exemption was intended to reverse demographic trends and spread slaveholding. “Our true policy,” Adams contended, “is to diffuse the slave population as much as possible, and thus secure in the whole community the motive of self-interest for its support.” He made the usual obeisance to slavery, claiming that “the poorest white man . . . is

³ William E. Gienapp, *The Origins of the Republican Party: 1852-1856* (New York: Oxford University Press, 1987), 414-415.

⁴ Adams’s message was read by his son and private secretary, Walker Adams. “Columbia Correspondence,” *Charleston Daily Courier*, November 26, 1856.

⁵ “Message No. 1,” *Charleston Mercury*, November 26, 1856.

directly concerned in its preservation.” Adams undercut his expression of confidence, however, by arguing that the only way to guarantee a person’s fidelity to slavery was to make them a slaveholder. “The argument of self-interest,” he said, “is easy of comprehension and sure of action.” Accordingly, he called for “a law exempting from sale . . . at least one slave.” Under such a law, an insolvent master would retain one slave if his property were sold to pay creditors. That “immunity,” Adams claimed, “would stimulate every one to exert himself” to own a slave “above the casualties of debt.”⁶ The idea was that nonslaveholders reluctant to invest their hard-earned money in a slave would gain confidence from the exemption. Knowing that one slave could not be sold for debt would induce nonslaveholders to take the plunge and enter the slaveholding class. In 1858 Louisiana legislator Edward Delony explained that by “insuring to every citizen the certainty of holding one slave, under whatever misfortunes that may befall him,” the measure would encourage slave ownership.⁷ Adams concluded his advocacy of the proposal by saying: “As you multiply the number who acquire the property, so will you widen and deepen the determination to sustain the institution.”⁸ In relation to the vital issue, nonslaveholders were intrinsically suspect and must be encouraged to become slaveholders.

Adams intended slave exemption to be a dramatic piece of social engineering that would alter the demographics of southern society. He also believed “exempting family books and libraries” could “induce the citizen to supply his family with the means of instructive reading.”⁹ Like such encouragement of education, the diffusion of slaveholding among the white population was a social good, to be facilitated by state legislation. In ideological terms, Adams’s rationale for the slave exemption undermined two essential claims of the proslavery argument. First, the idea that the state must encourage nonslaveholders to buy slaves contradicted the belief, expressed by the *Richmond Enquirer*, that “the first thing they do when they get money enough, is to buy a

⁶ Ibid.

⁷ “The South Demands More Negro Labor,” *DeBow’s Review* 25 (November 1858): 501.

⁸ “Message No. 1,” *Charleston Mercury*, November 26, 1856.

⁹ Ibid.

negro.”¹⁰ Second, the proposal’s emphasis on self-interest weakened the assertion that slavery benefited all whites, whether they owned slaves or not. The slave exemption proposal highlighted class differences between southern whites, and implied that slavery rewarded only those persons who owned slaves.

Property and Homestead Exemption Laws

In 1856 laws exempting property from liability for debt were an accepted feature of the statutory landscape. They often exempted a dwelling and land (known as the “homestead”), work animals, foodstuffs, and certain personal items. Specific provisions varied from state to state, but the underlying principles were consistent. These laws were justified by humanitarian impulses as well as pragmatic considerations. In humanitarian terms, exemption laws derived from the same progressive ideals which ended the imprisonment of debtors in most states. Exemptions allowed an insolvent debtor and his family to retain the basics essential to their survival. Pragmatically, they enabled an insolvent debtor to remain self-sufficient, rather than become a burden upon the state. In addition, exemption laws were thought to create a settled and industrious population, which had a stake in society. Moreover, some argued, the poor man whose property was protected by the state would be a reliable soldier when called upon.

Laws exempting basic necessities from sale for debt first appeared in several of the colonies of British North America. In 1714, to discourage concealment of property by a debtor, Massachusetts allowed a defaulter to retain up to five percent of his property, to a maximum of fifty pounds.¹¹ In general, writes Peter Coleman, early legislation took this form: “Impoverished debtors could assign their property (clothing, bedding, and tools excepted) to their creditors and be discharged from jail.” These early exemptions were an important part of initial attempts to

¹⁰ “Yankee Politics,” *Richmond Semi-Weekly Enquirer*, December 4, 1856.

¹¹ Peter J. Coleman, *Debtors and Creditors in America: Insolvency, Imprisonment for Debt, and Bankruptcy, 1607-1900* (1974; reprint, Washington, DC: Beard Books, 1999), 45.

ameliorate the practice of imprisonment for debt.¹² Such laws were passed by Connecticut (1763), Rhode Island (1771), New York (1730), New Jersey (1771), Pennsylvania (1730), Maryland (1774), South Carolina (1744), Virginia (1705), Delaware (1734), North Carolina (1749), and Georgia (1766).¹³ While these laws were sometimes repealed or allowed to expire, they were the harbingers of an enhanced safety net for debtors. From about 1810 through the Civil War, the type and value of property exempt from sale for debt increased across the country. Coleman summarizes: “What had begun in the colonial period as the protection from seizure for debt of simple necessities gradually came in most states to include a much wider range of chattels and eventually land and buildings as well.”¹⁴ The greatest antebellum expansion occurred in the 1840s and 1850s.

State homestead laws exempting a dwelling and land up to a specified value became prevalent following the economic Panic of 1837.¹⁵ The Republic of Texas passed a law in 1839 which exempted fifty acres or one town lot, improvements up to \$500, and limited amounts of furniture, agricultural implements, and livestock.¹⁶ Similar provisions with additional exempted property were included in the Texas constitutions of 1845 and 1861.¹⁷ Mississippi became the first state to enact a homestead law in 1841, followed by Alabama in 1843 and Florida and Georgia in 1845. Between 1848 and 1852 seventeen more states passed homestead exemption laws. Following the example of Texas, these laws secured a debtor’s home and a limited amount

¹² Ibid., 234, 243.

¹³ Ibid., 78, 93, 106-107, 134, 143, 164-165, 182-183, 196, 208, 218, 234.

¹⁴ Ibid., 257.

¹⁵ These state laws differ from the Federal homestead legislation championed by Andrew Johnson in the 1850s and enacted by Congress in 1862. One student of state homestead laws explains the distinction: “Federal homestead legislation . . . seeks to encourage the colonization of outlying districts by granting the qualified applicant a quarter section or less of unappropriated public land after he has occupied and cultivated it for a certain period. This land is exempt from all debts contracted prior to the acquisition of title but not from those incurred after. . . . State homestead laws, on the other hand, affect land already owned by the beneficiary and only exempt it from debts incurred subsequent to its dedication.”: “State Homestead Exemption Laws,” *Yale Law Journal* 46 (April 1937): 1023 n. 1. Another scholar expresses the difference more pithily: “The Federal law of 1862 was intended to make it easy for a man to obtain land; the homestead exemption was intended to make it difficult for him to lose it.”: Henry W. Farnam, *Chapters in the History of Social Legislation in the United States to 1860* (Washington: Carnegie Institution of Washington, 1938), 148.

¹⁶ Farnam, *Chapters in the History of Social Legislation*, 150.

¹⁷ “State Homestead Exemption Laws,” 1026.

of land.¹⁸ In the area of bankruptcy and insolvency, states filled the vacuum left by the absence of federal law. Congress passed a five-year measure in 1800, but repealed it only three years later. Responding to the economic problems of the late 1830s, Congress enacted a law in 1841, but it too was quickly repealed.¹⁹ Property exemptions almost invariably had one feature in common: designated property was exempt only from sale for debts incurred after promulgation of the law. Peter Coleman writes that this resulted from “the desire to give lenders adequate notice . . . and the belief that the Constitution of the United States prohibited retrospective relief.”²⁰ Lenders had to be aware of exemptions in order to make informed decisions. In drafting legislation, lawmakers were concerned with maintaining the credit-worthiness of their constituents. Once informed of exemptions, lenders could make loans based on “the exclusion of specified types and amounts of property.” Constitutionally, legislators believed that exempting property from sale for existing debts would impair contractual obligations.²¹

Examination of the various state laws in force at the time of Adams’s proposal shows an incongruity between slaves and the forms of property actually exempted from debt. Tennessee’s homestead law, passed in 1852, exempted land, a dwelling, and other buildings up to \$500 in value.²² In 1856, the state exempted a variety of personal property from sale for debt. This act, representative of similar legislation in the South at the time, provided:

Section 1 . . . exempt . . . the following property, and no other . . . : Two beds, bedsteads and necessary bed clothing for each, and for each three children . . . one additional bed, bedstead, and bed clothing; one cow, or cow and calf, and if the family shall consist of six or more persons, two cows or cows and calves; one dozen knives and forks, one dozen plates, half dozen dishes, one set of tea spoons, one set of table spoons, one bread tray, two pitchers, one waiter, one coffee pot, one tea pot, one canister, one cream jug, one dozen cups and saucers, one dining table, two table cloths, one dozen chairs, one bureau, one safe or press, one wash basin, one bowl and pitcher, one washing kettle, two wash tubs, one chopping axe, one spinning wheel, one pair cotton cards, and

¹⁸ Farnam, *Chapters in the History of Social Legislation*, 151.

¹⁹ Richard H. Chused, “Married Women’s Property Law: 1800-1850,” *Georgetown Law Journal* 71 (June 1983): 1401-1402.

²⁰ Coleman, *Debtors and Creditors in America*, 224.

²¹ *Ibid.*, 257, 274.

²² *Acts of the State of Tennessee, Passed at the First Session of the Twenty-Ninth General Assembly for the Years 1851-2* (Nashville: Bang & McKennie, 1852), 158. The dwelling and land had to be “occupied . . . as a homestead” to qualify for the exemption.

one cooking stove and utensils, or set of ordinary cooking utensils, sifter, or sieve, and one cradle.

Sec. 2. [For agricultural households] there shall be further exempted . . . one horse or mule, or yoke of oxen, one ox-cart, yoke, ring, staple, and log-chain, or one two or one horse wagon and harness, two plows, two hoes, one cutting knife, one set of plow gear, one man's saddle, one lady's saddle, two riding bridles, twenty-five barrels of corn, ten bushels of wheat, five hundred bundles of oats, five hundred bundles of fodder, one stack of hay, and if the household shall consist of less than six persons, one thousand pounds of pork, slaughtered or on foot, or six hundred pounds of bacon, or, if more than six persons, then twelve hundred pounds of pork or bacon shall be exempt, and all the poultry on hand to be exempt.

Sec. 3. . . . exempt, in the hands of each mechanic . . . engaged in the pursuit of his trade or occupation, one set of mechanic tools. . . .

Sec. 6. . . . there shall also be exempted from execution, five head of sheep, ten head of stock hogs, fowls to the value of twenty-five dollars, one bible and hymn book, one loom and gear.²³

This approach to exemption tried to anticipate every eventuality and name every item needed to maintain a family. Behind the minutiae, one can see that legislators meant to give an insolvent debtor the means for his family's survival and enough to recoup their fortunes. The law protected only that property required to meet the needs of shelter, clothing, food, agriculture, employment, and eternal salvation. Subsequent legislation in Tennessee, up to the outbreak of the Civil War, conformed to those demands.²⁴

The homestead and personal property exemption laws of other slave states operated on the same principle of exempting only those items deemed absolutely essential. Many states were, in fact, more exacting and parsimonious in protecting their insolvent residents. Virginia, for example, did not enact a homestead law in the antebellum era but did exempt some personal property.²⁵ In North Carolina, the legislature waited until 1859 before it passed an act exempting

²³ *Acts of the State of Tennessee, Passed at the First Session of the Thirty-First General Assembly for the Years 1855-6* (Nashville: G. C. Torbett and Company, 1856), 89-90.

²⁴ An 1858 law set a maximum value on several exempt properties and added a few items, including school books, farm implements, a home-made carpet, and some wood or coal.: *Public Acts of the State of Tennessee, Passed at the First Session of the Thirty-Second General Assembly for the Years 1857-8* (Nashville: G. C. Torbett & Company, 1858), 21-23 (hereafter cited as *Tennessee Acts, 1857-58*). Two laws passed in the 1859-60 session exempted twenty bushels of wheat, one sewing machine, limited amounts of cotton, wool, and shoe leather. Moreover, mechanics were allowed "fifty dollars worth of lumber or material," exempt from seizure.: *Public Acts of the State of Tennessee, Passed at the First Session of the Thirty-Third General Assembly for the Years 1859-60* (Nashville: E. G. Eastman & Co., 1860), 26-27, 49-50 (hereafter cited as *Tennessee Acts, 1859-60*).

²⁵ In the 1850s the property included one cow, a bedstead, some kitchen furniture and utensils, one oven, some provisions, a mechanics' tools, a sewing machine, and family portraits. In addition, no growing crop could be taken, except for Indian corn.: *The Code of Virginia*, 286. An act passed in 1860 added additional bedsteads and

homesteads up to \$500 in value.²⁶ South Carolina passed a homestead act in 1851, exempting fifty acres up to \$500 in value, as well as \$25 of personal property. In 1857, however, responding to the economic crisis, it repealed that act, leaving only an 1823 law exempting a small amount of personal property.²⁷ Louisiana passed a liberal homestead and property exemption law in 1852, exempting up to \$1,000 of land and a house, \$250 worth of “such household effects as may be necessary,” books and portraits, mechanics’ tools, the books and instruments of a professional, and some wages.²⁸ Unfortunately for Louisiana debtors, the legislation was repealed one year later.²⁹ Alabama’s 1843 homestead law exempted the home and up to forty acres of land, not to exceed \$500 in value. By 1852 this was supplemented with legislation that protected considerable personal property.³⁰ Alabama enhanced these laws through the 1850s, giving succor to indebted laborers and farmers.³¹ Mississippi’s homestead act of 1841 exempted a home and land up to \$1,500. In the 1850s the legislature added some necessary personal property.³² Georgia enacted a

bedding, work animals and gear to the list.: *Acts of the General Assembly of the State of Virginia, Passed in 1859-60, in the Eighty-Fourth Year of the Commonwealth* (Richmond: William F. Ritchie, 1860), 132-133 (hereafter cited as *Virginia Acts, 1859-60*).

²⁶ The act granted fifty acres and a dwelling house for rural debtors, or a house on a two acre lot for town residents.: *Public Laws of the State of North-Carolina, Passed by the General Assembly, at its Session of 1858-’9* (Raleigh: Holden and Wilson, 1859), 81-82 (hereafter cited as *North Carolina Laws, 1858-59*).

²⁷ Thomas D. Russell, “Sale Day in Antebellum South Carolina: Slavery, Law, Economy, and Court-Supervised Sales” (Ph.D. Dissertation: Stanford University, 1993), 35; *Acts of the General Assembly of the State of South Carolina, Passed in December 1857* (Columbia: R. W. Gibbes, 1857), 672; Ford, *Origins of Southern Radicalism*, 323; Petigru, *Portion of the Code of Statute Law of South Carolina*, 396. The 1823 law included two beds and bedding, two bedsteads, one spinning wheel, cooking utensils, \$10 worth of provisions, one loom, one cow and calf, necessary farming utensils, and mechanics’ tools.

²⁸ The wages of a laborer and the compensation of a professional, earned in the month before legal proceedings and necessary for family support, were exempt from liability for debt.: *Louisiana Acts 1852*, 222-223. Coleman argues that “wage-exemption legislation appeared first in the industrializing and urbanizing states because they had large and politically vocal wage-earning constituencies.” Coleman, *Debtors and Creditors in America*, 262-263 n. 11.

²⁹ *Acts Passed by the First Legislature of the State of Louisiana, Held and Begun in the Town of Baton Rouge, on the 17th January, 1853* (New Orleans: Emile La Sere, 1853), 166-167.

³⁰ This included \$150 worth of furniture, all books and family portraits, one gun, one loom and two spinning wheels, limited amounts of livestock, meat, grain, and work animals, mechanics’ tools up to \$200 in value, and farm implements. A debtor with no property could have his growing crop attached, but not sold until harvest.: *The Code of Alabama*, 453.

³¹ The 1853-54 legislature exempted 100 bushels of corn, \$50 worth of clothing per family member, some wool, cotton, and cloth, 1,000 pounds of oats and 25 bushels of sweet potatoes. Moreover, family heads owning less than \$500 of exempt property kept wages up to \$15 a month.: *Alabama Acts, 1853-54*, 22, 26-27. In 1857 lawmakers added \$200 worth of “materials which any mechanic . . . used in his trade.”: *Alabama Acts, 1857-58*, 374. In 1860, the state exempted “any growing or ungathered crop” from liability.: *Alabama Acts, 1859-60*, 49.

³² In 1852, \$500 worth of household and kitchen furniture; in 1854, 100 bushels of corn, 20 bushels of wheat, and 800 lbs. of pork or bacon.: Farnam, *Chapters in the History of Social Legislation*, 151; *Mississippi Laws, 1852*,

homestead exemption law in 1845 and, by the eve of the Civil War, it provided relatively generous protection to debtors. The insolvent in Georgia could support his family, continue his employment, retain items of sentimental or spiritual value, and meet his civic obligation to the militia.³³ Among other slave states, Texas exempted a homestead up to \$2,000 in value in 1845, Florida one of up to \$200 in value in the same year, and Arkansas protected 160 acres in 1852.³⁴ The foregoing summary shows considerable variety in the protection which slave states afforded insolvent debtors. At the time of Adams's message in 1856, however, no state exempted slaves from being sold for debt.

Exemption supporters often referred to the heart-rending scenes attendant upon forced sales of debtors' property. Suffering women and children were stock figures in these dramas, which allowed exemption proponents to cast themselves as paternalistic defenders of the helpless. Defending South Carolina's homestead law, legislator Michael Gramling wrote: "The act anticipates nothing more, nor less, than protecting unfortunate women and children. It secures nothing . . . farther than simply to prevent the sheriff from turning them out of doors."³⁵ The *Evening News* declared that, under a homestead law, "the mother and children would be placed beyond the contingencies of the want following the errors or misfortunes of the father."³⁶ During an 1859 debate in the Tennessee legislature, a state senator described "the sacrificing stroke of the heavy and imperative hammer of the collecting officer," leading to "thinly clad women and children . . . turned into the cold streets of starvation."³⁷ As Louisiana considered a homestead bill

319-320; *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, Held in the City of Jackson, From 2nd of January to 2nd of March, 1854* (Jackson: Barksdale & Jones, 1854), 93-94.

³³ A rural homestead comprised fifty acres of land, with five additional acres for each child under sixteen, and a house and improvements up to \$200 in value. Town residents were allowed real estate up to \$500 in value. Other exempt property included one horse or mule, ten head of hogs and \$50 of provisions, plus \$5 of provisions for each child, beds and bedding, one loom and spinning wheel, tools of trade for head of family and his wife, the equipment, arms and horse of a militia soldier, cooking utensils, a bible and school books, family portraits, and the library of a professional up to \$300.: Clark, Cobb, and Irwin, *The Code of the State of Georgia*, 398-399.

³⁴ Farnam, *Chapters in the History of Social Legislation*, 150-151.

³⁵ Michael Gramling to Dr. A. Salley, August 15, 1852, Michael Gramling Papers, SCL.

³⁶ "The Family Homestead," *Evening News* in Spartanburg *Spartan*, December 19, 1850.

³⁷ *Legislative Union and American*, 1859-60, 94-95.

in 1852, one lawmaker implored his colleagues to “give to the wife and children hope that they will have a home.” The following year, in defense of that law, a representative employed pathos:

Who has not seen scenes of destitution and misery at one of these constable sales of property? I saw once a little chair seized. The mother, weeping, cried “Alas! Poor Lucy’s chair—must that too, go?” Can any man see this without emotion? If he can, he has a heart as hard as adamant.³⁸

By interceding with homestead and exemption laws, the state protected women and children when the family head failed. The image of destitute women and children was a potent one, used to great political effect.

Proponents described exemption law as consistent with the progressive trend of the era in recognizing the humanity of the downtrodden. In 1856, Virginia residents asked their legislature to exempt the wages of insolvent laborers, asserting: “Precedents exist in the legislation of many of our sister states, in accordance with the wise & humane policy of the age.”³⁹ The *New Orleans Picayune* applauded the passage of homestead laws in Ohio and New York, declaring: “The reservation of a home . . . from execution for debt, is founded on enlightened principles, will be productive of happy results, and is destined to become a fixed part of the social system.”⁴⁰ In 1853, Louisiana representative Hiestand characterized efforts to repeal the state’s homestead law as regressive: “A falling back upon the old law, would appear singular at this time, and in this age of progress.” Citing the state’s abolition of “odious . . . imprisonment for debt,” he said it was better to put a man in prison, “than take from him food and raiment.” Concurring, Representative Hunt argued that poverty was not always due to individual failings: “Misfortune is not always the result of crime; it may be a decree of Providence. Society punishes crime, but the punishment of misfortune consists in tears and bitter anguish of heart.” He asked colleagues to have mercy upon

³⁸ *Official Report of the Proceedings of the [Louisiana] House of Representatives* (New Orleans: n.p., 1852), 58; *Legislature of the State of Louisiana. Debates of the House in its Session of 1853* (New Orleans: Emile La Sere, 1853), 111-112.

³⁹ Petition of Citizens of Berkeley County, 1856, LP, LVA. Sixty-eight persons signed the petition.

⁴⁰ “Homestead Exemption,” *New Orleans Picayune* in *Spartanburg Spartan*, June 6, 1850. Ohio and New York enacted the laws in 1849 and 1850, respectively.: Farnam, *Chapters in the History of Social Legislation*, 151.

and give protection to, the poor of Louisiana. “This bill,” Hunt maintained, “is in perfect keeping with the spirit of the age, and is just in every particular.”⁴¹

For those unmoved by humanitarian considerations, exemption proponents offered pragmatic reasons. Supporters argued that exemptions kept insolvent families from being a burden to the state. Michael Gramling warned: “If we do not work some means to keep those suffering families in a condition to maintain themselves, we must maintain them.”⁴² Residents of Jefferson County, Virginia, argued that a homestead law would relieve the almshouse “of many who otherwise will become its occupants.”⁴³ Proponents also claimed debt exemptions would induce a more settled population, facilitating the growth of agriculture. The *Farmer and Planter* said a homestead law “would have the effect of *fixing* the population more permanently, and consequently of improving the lands and increasing the agricultural products of the country.”⁴⁴ Virginia residents petitioning for a homestead act extolled its “eminently conservative operation upon the migratory interests of the State.” In Louisiana, Representative Lathrop asserted: “Establish a homestead exemption and you establish a permanent, healthful population.” Altering the peripatetic ways of the lower classes was important to the South, which lacked the influx of immigrants that the North enjoyed.⁴⁵

Exemption advocates argued that protecting insolvents would improve the character, morality, and industriousness of the population. The *New Orleans Picayune* contended that a homestead act would:

Encourage thrift, promote industry, give fixed habits, and encourage the growth of those domestic tastes which are the safeguards of private happiness and the supporters of all public virtue; it will give new strength and attachment for the soil which is the strongest element of patriotism and multiply . . . opportunities for . . . the young.

⁴¹ *Legislature of the State of Louisiana. Debates of the House in its Session of 1853*, 112-113. The bill provided for retaining the homestead exemption and adding \$150 worth of “household effects.”

⁴² Michael Gramling to Dr. A. Salley, August 15, 1852, Michael Gramling Papers, SCL.

⁴³ Petition of Citizens of Jefferson County, February 1852, LP, LVA. Sixty-one persons signed the petition.

⁴⁴ *Farmer and Planter* 9 (October 1858): 239.

⁴⁵ Petition of Citizens of Jefferson County, January 1, 1852, LP, LVA; *Official Report of the Proceedings of the [Louisiana] House of Representatives* (New Orleans: n.p., 1852), 58.

By allowing insolvent debtors to retain a home and some necessities, the state could prevent the development of a large unpropertied class. So long as men held property, they would remain conservative and hard-working, and identify their interest with that of society. Exemptions would also encourage those without property to accumulate it. Louisiana representative Payne said young men “would endeavor by labor and economy to acquire the amount necessary to exempt their hard earnings.” These arguments were repeated by slave exemption proponents, who argued it would induce nonslaveholders to purchase and that owning a slave would produce attitudinal change on the part of the former nonslaveholder.⁴⁶

Property exemption advocates portrayed such legislation as an essential part of the compact between state and citizen. The state imposed many duties on citizens and was therefore obliged to extend reciprocal protection to them. A reliable militia needed independent men with a stake in society, and impoverished debtors lacked those attributes. In 1852, South Carolina lawmaker C. F. Hunt reported unfavorably on a bill to repeal the state’s homestead act:

“The debtor is the Slave of the creditor.” This applies most strongly to the indigent. We want no slavery among our white citizens—To see his home sold by the Sheriff, his little means of feeding his wife and children taken away, breaks his spirit & . . . manliness of character, which makes a free man a soldier of the State, ready to defend it. The law now exempts his musket—It should protect his home for the sake of his family & he will the better do his duty in the fields.⁴⁷

No white man who was the slave of another or displayed slavish qualities could be trusted with the defense of the state. A “distinguished Judge of Tennessee” emphasized homestead laws’ utility in ensuring the loyalty of the next generation:

Secure to each family whose labor may have acquired it, a little spot of fresh earth that it may call its own . . . though misfortune may rob them of all else, and they feel they are still free. . . . The sacredness of that consecrated spot, will make them warriors in time of external strife. . . . Secure a home to every family whose labor may obtain one, against

⁴⁶ “Homestead Exemption,” *New Orleans Picayune* in *Spartanburg Spartan*, June 6, 1850; *Official Report of the Proceedings of the [Louisiana] House of Representatives* (New Orleans: n.p., 1852), 58.

⁴⁷ Report attached to “A Bill to repeal an Act entitled ‘An Act to increase the amount of property exempt from levy and sale,’” S165001: Acts, Bills and Joint Resolutions, 1852 Session, SCDAH. Hunt chaired the House judiciary committee, to which the bill was referred.

the weaknesses, vices or misfortunes of the father, and you rivet the affections of the child, in years of manhood, by a stronger tie than any consideration that could exist.⁴⁸

As Louisiana considered repealing its homestead law, Representative Hunt elaborated the comity between state and citizen: “Society has made a contract with the poor man. In war he has to fight for the honor of his country. . . . Respect the poor man. Save him from perfect destitution.” He pressed this point later in the debate:

Can you make a poor man do jury duty when his family is starving? Is it right—is it manly—to force him to fight the battles of his country, in time of war, when his arm is the only staff upon which his family must lean for support? . . . is it not the duty of lawmakers to throw around him a slight shield in . . . his bitterest misfortune?⁴⁹

The poor man had to be confident that his family could survive his absence, and he had to feel that he has something to fight for. Proponents of slave exemption echoed those themes. As homestead and property exemptions were presented as means to ensure that the poor man would defend the state, slave exemption was proposed as a way to induce him to fight for slavery.

Another argument employed by homestead supporters was that the law supported a more equitable distribution of landed property. Before passage of its homestead act, Michael Gramling wrote, South Carolina law “was calculated to cause lands to accumulate in the hands of rich men, and make paupers of the poor.” This concentration in the hands of large landowners undermined the Jeffersonian ideal of the independent small farmer. Citizens of Braxton County, Virginia asserted that a law exempting a homestead of one hundred acres “would be a strong support to our Republican institutions and in some measure would prevent Capitalists from monopolising the landed property.” They warned: “When the landed property is taken from the many and placed in the hands of the few our Republican form of government must fall.”⁵⁰ By preserving broad-based land ownership, its advocates claimed, homestead exemption would be a bulwark of

⁴⁸ *Rural American in Farmer and Planter* 9 (October 1858): 239. A journal that printed this passage in 1852 attributed it to “Judge Dillahunty, of Tennessee.”: “Beautifully Said,” *Southern Cultivator* 10 (September 1852): 281.

⁴⁹ *Legislature of the State of Louisiana. Debates of the House in its Session of 1853*, 112-113.

⁵⁰ Michael Gramling to Dr. A. Salley, August 15, 1852, Michael Gramling Papers, SCL; Petition of 228 Citizens of Braxton County, 1852, LP, LVA.

representative government. In an argument like that of the Virginians above, proponents of slave exemption worried that if slave property were placed in the hands of the few, slavery would fall.

Southern whites resented special privileges, and debt exemption proved no exception, as members of the lower and middle classes demanded that the laws meet their own particular needs. Petitioning for a homestead act, citizens of Jefferson County, Virginia said it would enable “the middle class of the community” to possess a secure home. Describing themselves as a “large, and respectable class,” mechanics in Hampshire County, Virginia asked the legislature to exempt their tools. Doing so would enable the mechanic “to retain those means . . . by which he earns his daily bread . . . for himself, . . . [and] for those . . . dependent upon him.” In Mississippi, a group of mechanics asked legislators to exempt their wages for a limited period. The men felt “aggrieved in being overlooked in the provisions of the . . . State . . . for the relief & benefit of its citizens.” They argued: “Every class in the State is protected so as to be especially benefited, except the Mechanic.” Other petitioners sought rough equity in exemption for various professions and employments in their society. Residents of Berkeley County, Virginia, asking exemption of laborers’ wages, asserted: “It could never have been within the contemplation of the humane policy of our law, that the daily, weekly, & even monthly wages of the laborer should be seized.” Noting that “it is deemed fit, & wise to exempt . . . certain articles of property,” they sought to protect wages, the greatest asset of the worker. Exemption law was sharply contested ground, as white citizens monitored statutes for fairness and relevance to their needs. The slave exemption proposal encountered an obstacle in the persons of legislators who recognized their constituents’ desire for even-handed treatment in debtor protection laws.⁵¹

Many debt exemption supporters hoped for a return to lenders’ basing their decisions on borrowers’ character rather than wealth. They argued that debtor protection would reverse what

⁵¹ Petition of Citizens of Jefferson County, January 1, 1852, LP, LVA; Petition of Citizens of Hampshire County, 1852, LP, LVA; Petition of Citizens of Leake county, n.d. [ca.1859], RG47, Series 2370: Petitions 1850s-1870s, MDAH; Petition of Citizens of Berkeley County, 1856, LP, LVA.

Peter J. Coleman labels “a fundamental transformation in the ways that lenders and borrowers conducted their affairs.” An older system based on “mutual trust, respect, and honor” succumbed, from the mid-eighteenth century on, to the “institutionalization of business life.” This resulted in lenders’ “personal judgments about the . . . reliability, integrity, trustworthiness, and ability” of borrowers being replaced with “an impersonal evaluation of the borrower’s record.”⁵² The fact that an individual had property which could be sold became more important than his character in gaining credit. Exemption supporters hoped that by removing property from the reach of creditors, they could restore personal business relationships. In 1852 Michael Gramling refuted the notion that the homestead exemption would make it harder for a poor man to get loans:

Credit rests on confidence. And an honest, industrious poor man will have the confidence of his neighbors, and his neighbors knowing that his family cannot be turned out of doors . . . and having confidence in his honesty and industry will credit him *more readily* than before. A man who shows himself indolent or knavish, will lose credit by the law.⁵³

This belief that character, not property, should guide a lender’s decision was informed by an anti-commercial ethos. The preference for individual relationships over an impersonal credit system appeared in 1853, when the Louisiana Senate debated whether to allow growing crops to be used as collateral. Senator Martin opposed the measure: “Planters do not require the passage of this bill. . . . It may serve certain persons in New Orleans for whom the word of a gentleman is not sufficient. I think that the word of a gentleman should be as good as his bond.” Senator Short, however, argued that the days of personal business relationships had passed:

I admit that every man’s word ought to be as good as his bond, but in commercial operations, as they are carried on in these degenerate days, in this era of the almighty dollar, the bond is generally preferred. Persons who have money to lend do not argue from what ought to be, but from what is, and they generally like to have good security before they part with their cash.⁵⁴

⁵² Coleman, *Debtors and Creditors in America*, 259, 260, 273, 284.

⁵³ Michael Gramling to Dr. A. Salley, August 15, 1852, Michael Gramling Papers, SCL.

⁵⁴ *Legislature of the State of Louisiana. Debates of the Senate in its Session of 1853* (New Orleans: Emile La Sere, 1853), 114-115.

The *New Orleans Picayune* believed that lenders' preferences could be altered by legislation. Commenting on homestead laws, it said of borrowers: "Their apparent means are not always available to the creditor . . . they are to be trusted more from their personal qualities of industry and integrity." The *Picayune* declared that the exemption "will have a wholesome influence in checking the extension of credit, and making it turn more upon a knowledge and approval of the individual than upon his ability to respond to coercion."⁵⁵ The *Carolina Spartan* was willing to virtually abandon the use of credit:

Credit . . . leads to personal extravagance, business recklessness, speculation to gambling excess, encourages idleness, and a whole train of evils. Denial of execution collection will sober business to a nearly cash basis, reform personal expenses, make men more honest in their dealings, foster industry for its slow but sure rewards, and give greater permanency to population.

Credit was viewed like a powerful drug; it had a few legitimate uses, but the potential for abuse was high. In the antebellum South, the desire to protect insolvent debtors went hand-in-hand with a sharp dislike of creditors and the market system in framing exemption laws.⁵⁶

Admonitions to avoid incurring debt filled the pages of southern newspapers, journals, and private correspondence. Indulgence in credit showed weakness and true freedom could be enjoyed only by an independent man, free of debt and obligation. A typical warning appeared in the *Camden Weekly Journal* in 1860: "Have courage to keep out of debt as long as possible. . . . Debt is a species of slavery. The creditor owns the debtor to the extent of his claim." Readers should be content with old clothing and one or two meals a day, if necessary, to avoid debt. "Have the courage to own that you are poor," the newspaper said, and those "whose opinion is valuable . . . will esteem you the more highly."⁵⁷ H. C. Roberts of South Carolina told his sister that freedom from debt "gives an approving conscience and independent spirit."⁵⁸ Men who used credit to purchase land and slaves found their freedom of action restricted by their creditors. Debt,

⁵⁵ "Homestead Exemption," *New Orleans Picayune* in *Spartanburg Spartan*, June 6, 1850.

⁵⁶ "Debts not Collectable," *Spartanburg Carolina Spartan*, March 29, 1860.

⁵⁷ "Courage," *Camden Weekly Journal*, April 17, 1860.

⁵⁸ H. C. Roberts to Susan L. Burn, October 11, 1858, Burns Family Papers, SCL.

warned A. P. Aldrich, prevented the agriculturalist from selling a crop to his best advantage. “Very few planters can afford to hold their crops,” he argued, “and, until this can be done, they will ever be at the mercy of the buyer and the manufacturer.” Cotton planters, he maintained, must be guided by the maxim, “*pay as you go*.” Aldrich wanted to see “King Cotton” exercise its inherent power and make the South truly independent of the North. “The only remedy,” he declared, “is to . . . use economy, pay as we go, be independent, and we may sell or hold as we please.” For Aldrich, debt left the South and its most lucrative crop subject to the control of northern creditors.⁵⁹

In South Carolina, supporters of the state’s homestead law attributed efforts at repeal to unscrupulous predatory lenders. C. F. Hunt, reporting against a bill to repeal the homestead act, wrote: “Those who live upon the improvidence of the poor by seducing them into credit, beyond their means . . . may clamour at a law, that protects the shelter of a thriftless father.” He warned of the dangers of borrowing: “Credit is itself always dangerous to the very poor—they forget, that pay day will in time overtake them, and then the spider who has deliberately woven his web, darts upon his hampered victim.”⁶⁰ Michael Gramling wrote that “almost all the objection” to the law “originated from interested persons.”⁶¹ The *Patriot and Mountaineer* described criticism of the homestead act as “the howl of the wolf for the lamb—the scream of the vulture for his prey.”⁶²

Despite their animosity toward the impersonal credit system, southerners were reluctant to hinder the collection of debts. Exemption laws, critics objected, encouraged fraud, for honest men would sell all their property to pay creditors. While conceding its necessity and humanity, a Charleston grand jury complained in 1859 that the Insolvent Debtors Act was “a powerful ally to fraud in the hands of the dishonest.”⁶³ That same year, Tennessee state senator Stokely argued

⁵⁹ “‘Apples of Gold in Pictures of Silver,’” *Farmer and Planter* 11 (March 1860): 105.

⁶⁰ Report attached to “A Bill to repeal an Act entitled ‘An Act to increase the amount of property exempt from levy and sale,’” S165001: Acts, Bills and Joint Resolutions, 1852 Session, SCDAH.

⁶¹ Michael Gramling to Dr. A. Salley, August 15, 1852, Michael Gramling Papers, SCL.

⁶² *Patriot and Mountaineer* quoted in Ford, *Origins of Southern Radicalism*, 323.

⁶³ Charleston County, Court of General Sessions Journal 1857-1860, 410, SCDAH.

that a pending property exemption bill “favored a lazy, worthless class.” All exemption laws, he argued, allowed “dishonest men to defraud their creditors.” Later in that session, a Tennessee representative argued against “further extension of the exemption laws,” claiming, “the latitude afforded the debtor, is in an eminent degree demoralizing in its tendency.”⁶⁴ In the early 1850s, Louisiana state senator Wickliffe asserted: “It is a general and very good principle, that the property of a debtor ought to be liable for his debts. I am opposed to any law intended to favor the debtor at the expense of the creditor.”⁶⁵ The humanitarian desire to provide a degree of security to insolvent debtors conflicted with the belief that meeting one’s obligations was critical and that failure to do so represented a stain upon one’s personal character.

Slaves as Property, Slaves as People

Slaves were the most valuable form of property in the antebellum South, with immense sums of capital tied up in their ownership. In a region without a floating pool of dependable free labor, slave ownership was indispensable to increased production of staple crops. The rhythm of agriculture, with periods of intense activity in sowing and harvesting crops, imposed limits on what a nonslaveholding farmer could do. Gavin Wright writes that “farmers frequently could not find hired labor,” leaving a nonslaveholding farmer unable to get workers when he most needed them. The result, Wright explains, was that “expansion of acreage and output for nonslaveholders was largely constrained by the family’s own achievements” in clearing and improving the land. Slaveholders enjoyed a far more dependable labor force, for, as Wright notes, “a slave who was bought stayed bought; the risks of escape were minor compared to the risks of a free worker’s quitting; and there was no danger that crops would rot in the fields,” because of a dearth of labor. The reliability of a slave labor force allowed a master to continue enlarging his operation, as long as he could buy more slaves. “Slavery,” Wright argues, “provided an elastic supply of labor to the

⁶⁴ *Legislative Union and American*, 1859-60, 193, 559.

⁶⁵ *Legislature of the State of Louisiana. Debates of the Senate in its Session of 1853*, 115.

individual farm, allowing indefinite expansion.” Expansion proved valuable not just for reasons of sheer volume, but also because it allowed for a more lucrative crop mix on larger farms. The key factor, Wright says, was that “large slaveholding plantations devoted a much larger fraction of their resources to cotton production than did smaller farms.” Owning slaves then, was essential to one’s ability to enjoy substantial participation in the most profitable agriculture. Any southern farmer with ambitions beyond subsistence and gradual accumulation of resources needed slaves.⁶⁶

Slaves were always in demand in the public sales conducted by state officials, for unlike land, slaves could be purchased in any state and moved to where they would provide the highest return. Wright describes this condition: “Slaves were moveable and saleable and their value was determined in an efficient region-wide market independently of local crops, local productivity, and local development.” As opposed to most of an insolvent debtor’s property, a slave’s value was independent of local conditions. In short, slaves were the property most easily liquidated and converted to cash to pay creditors. Thomas Russell’s study of public sales in South Carolina substantiates this point. He found that, at court sales, slaves were “the most important assets sold, more important than . . . personal property . . . crops, farm implements, and livestock . . . more important than the land itself.” In fact, he writes, despite a law allowing debtors to keep slaves until all other property was sold, slaves “were usually among the first property that the sheriff offered.” Debtors likely consented because they knew buyers wanted slaves and would pay more of their real value than they would for personal property or land. Buyers did not have to purchase what the debtor wanted to sell, but the debtor had to sell enough to meet his obligations. Slaves were, Russell concludes, the “capital assets that were the most liquid, valuable, and in demand.”⁶⁷

Slave owners mired in debt hoped to preserve their bondsmen from being sold by the sheriff. In a letter to Robert M. T. Hunter, T. T. Dandridge asked for any federal job “that might help to relieve me from the terrible distresses of a debtor.” He wrote: “It is plain I must break up

⁶⁶ Wright, *The Political Economy of the Cotton South*, 44-88, quotations: 45, 86, 49, 55.

⁶⁷ Russell, “Sale Day in Antebellum South Carolina,” 36, 34.

here—and very doubtful now, whether I can be just to my friends and save my negroes.”⁶⁸

Virginia slaveholder Richard Eppes warned a neighbor against leaving his farm under the control of an overseer: “I told him I did not think it a prudent step as the farm left in the hands of an overseer would not prosper & his creditors might levy on his negroes at once & I thought he ought to save them if possible & sacrifice his land.”⁶⁹ James DeBow printed an account of one state’s law which prohibited the sale of slaves, without the debtor’s consent, when there was sufficient other property. He claimed that it was “consent which a debtor is loth to give, where he can otherwise save his slave.”⁷⁰ Many states protected debtors’ slaves with laws similar to the one mentioned by DeBow. Virginia and South Carolina each prohibited the forced sale of a debtor’s slaves, without his consent, when other property was available.⁷¹ Georgia put slaves on a par with real estate, forbidding the sale of either without the debtor’s consent, provided other property could be sold. Alabama prevented sheriffs from levying on slaves for debts under \$100, unless the debtor lacked other property to be sold. It further allowed a debtor, on the day of sale, to substitute property of equal value for that seized by the sheriff. Louisiana’s Code of Practice put slave property on an intermediate level, giving it lower priority than land and buildings. It provided that “the sheriff must commence by seizing the movable property; if there be not movables, he may seize slaves, and if there be no slaves, he may seize the immovables.” It allowed a debtor to select which slaves would be sold, so long as they were healthy, free of vice, and not mortgaged. Mississippi prevented land, not slaves, from being sold when there was sufficient other property to cover the debt. Like Alabama, it prohibited the sale of slaves to pay debts under \$100 as long there was enough other property. Tennessee law gave pride of place to

⁶⁸ T. T. Dandridge to Hunter, June 5, 1860, Robert M. T. Hunter Papers, University of Virginia, mfm at VHS.

⁶⁹ December 19, 1859, Richard Eppes Diary Aug. 12, 1859–July 1, 1862, VHS. Eppes’s advice may have been influenced by a difficult experience from his youth. Shearer Davis Bowman recounts that experience and its effect: “Eppes’s industriousness as a planter reflected to a great extent his desire to avoid the . . . fate of his improvident father, Benjamin Cocke. . . . Cocke had died insolvent in 1836, and his slaves had been sold for \$47,000 to pay debts.” Shearer Davis Bowman, “Conditional Unionism and Slavery in Virginia, 1860–61: The Case of Dr. Richard Eppes,” *Virginia Magazine of History and Biography* 96 (January 1988): 45.

⁷⁰ “Northern and Southern Negro Laws,” *DeBow’s Review* 23 (December 1857): 566.

⁷¹ *The Code of Virginia*, 286; Petigru, *Portion of the Code of Statute Law of South Carolina*, 595.

land, requiring “goods and chattels” to be sold first; if those were not enough, then land could be sold. In its 1857-58 session, Tennessee’s legislature rejected a bill which would have allowed debtors to select the property to be sold. It would have enabled slaveholders to sacrifice all other property before giving up their slaves.⁷² All of these laws gave some protection to slave property but fell short of actually exempting any slave property.

The reluctance of states to exempt slaves from liability for debt derived from slaves’ desirability and from the importance of debt sales in the slave market. “Exemption laws,” Peter Coleman concludes, “put specified kinds and amounts of property beyond the pale of normal commerce.”⁷³ The southern economy could bear the exemption of small tracts of land and items of personal property, but extending that protection to slaves would have induced sclerosis in its financial arteries. Thomas Russell found that “court officials conducted 50 percent of *all* the sales . . . of South Carolina’s slaves,” leading him to conclude: “Court sales were at the center of the business of slave sales.”⁷⁴ Examination of his data shows that sheriffs’ sale of slaves for the payment of debts comprised nearly one-quarter of all slave sales in South Carolina.⁷⁵ Although restricted to one state, Russell’s study suggests the vast importance of debt sales in the movement of slave property. Anecdotal evidence supports the assertion that debt sales were an important channel for redistributing scarce slaves to the most productive agricultural regions. Edmund Ruffin worried that high slave prices were draining the slave population of Virginia, as bondsmen were sold to the deep South. He asserted: “Whenever debt, or necessity, or the legal division of slaves among heirs, compels the sale of slaves, nearly all sold must be sent abroad.”⁷⁶ Such

⁷² Clark, Cobb, and Irwin, *The Code of the State of Georgia*, 671; *The Code of Alabama*, 449, 451; Louisiana Legal Archives, *A Republication of the Projet of the Code of Practice of Louisiana of 1825* (New Orleans: Thos. J. Moran’s Sons, 1937), 103; *Revised Code of Mississippi*, 527; Meigs and Cooper, *The Code of Tennessee*, 576; HB96, House Bills 1857-1858, RG60: Legislative Materials, TSLA.

⁷³ Coleman, *Debtors and Creditors in America*, 291.

⁷⁴ Russell, “Sale Day in Antebellum South Carolina,” 28. His conclusions were based on the examination of “empirical data for about 2,100 slave sales held between 1823 and 1861.”: iv.

⁷⁵ Russell, “Sale Day in Antebellum South Carolina,” 51-52. Court sales included sheriffs’ sales, probate sales, and equity court sales. Sheriffs’ sales, the arena for the sale of property for debt, comprised 45% of all court sales. Using Russell’s figure that court sales were 50% of slave sales, sheriffs’ sales would have formed roughly 22% of all slave sales in South Carolina.

⁷⁶ “The Effects of High Prices of Slaves,” *DeBow’s Review* 26 (June 1859): 650.

movement of slaves weakened the sociopolitical integrity of slavery in Virginia, but it fulfilled the economic imperative of labor moving to find its greatest remuneration. The *Greenville Patriot and Mountaineer* commented on the “truly astonishing” price of slaves at a recent court sale. To explain the prices, it cited “the price of cotton,” and contended “the opening of the Southwest has increased the demand for slave labor and made it more valuable.”⁷⁷ The sale of slaves for debt was also a way of prying slaves from slaveholders who otherwise would not sell. Edward Bryan contended that “the *very few* who *sell*, [do so] either to pay debts or to speculate.”⁷⁸ Very simply, debt sales facilitated the movement of slave labor to areas of highest demand and the transfer of slave property to new owners. Exemption of one slave per owner would have substantially narrowed this important avenue.

Exempting a limited amount of slave property from liability for debt would also have constricted the flow of credit within the South. A substantial portion of the vast wealth invested in slaves would have been immune from creditors, freezing large amounts of capital. Moreover, slaves comprised a large portion of any slaveholder’s wealth. Gavin Wright states: “A man who owned two slaves and nothing else was as rich as the average man in the North.”⁷⁹ Exempting one slave per owner would have removed from liability one of the most important forms of collateral for securing loans. Daniel Hundley, for one, declared that “*good collaterals*” meant “a trust-deed or your land and negroes.”⁸⁰ Decreased collateral impeded potential borrowers’ ability to secure loans. Thomas Russell writes of creditors: “If they felt uncertain about the ability of the courts to liquidate debtors’ property . . . they might choose to lend less money and divert it instead to different investments.”⁸¹ The diversion of creditors’ money to other investments would be even more likely if they were *certain* of the courts’ *inability* to liquidate slave property due to an

⁷⁷ “Value of Negroes,” *Greenville Patriot and Mountaineer*, January 8, 1857.

⁷⁸ Bryan, *Letters to the Southern People*, 30.

⁷⁹ Wright, *The Political Economy of the Cotton South*, 35.

⁸⁰ Quoted in Russell, “Sale Day in Antebellum South Carolina,” 144.

⁸¹ Russell, “Sale Day in Antebellum South Carolina,” 81-82.

exemption law. Indeed, opponents of property exemption laws in states like South Carolina, Louisiana, and Tennessee, maintained that such laws restricted the provision of credit.⁸²

Slaves were a ‘peculiar’ form of property, human beings who felt sorrow when separated from their families and homes. Their humanity complicated the ability of owners to dispose of their slaves as they did other property. Even the most despicable slaveholder found it difficult to deny entirely the humanity of his bondsmen. The separation of families through sale, particularly the division of mothers and small children, was one of the ugliest features of slavery, even to its supporters. Forced sales for the payment of debt were the most notorious and public arena for the destruction of slave families. In her examination of the law of slavery in Louisiana, Judith Kelleher Schafer notes: “Families and entire communities of slaves were often split as a result of the insolvency of their owners.”⁸³ Terrible scenes of heartbreak often played out at court sales.

New York native Anton Reiff recorded his impression of a sale in Mobile:

Saw a Slave Auction on the Corner of Royale and Government sts—opposite the Court House—One woman who was sold—very much excited my pity—Her master was in debt and was obliged to sell her to pay some mortgage—she had always lived with the family—she was about 35 years old—Her grief (to me) was heartrending—she wept most bitterly.⁸⁴

While Reiff implied that the woman grieved at being separated from the master’s family, she may have been thinking of her relatives. Any healthy slave woman of thirty-five could be expected to have several children, and perhaps a husband as well. Such instances dramatically gave the lie to the argument that slavery was a paternalistic institution which elevated the slaves. A desire to ameliorate this loathsome aspect of slavery fueled efforts to restrict the separation of families at court sales and informed early efforts to exempt slaves from liability for debt.

⁸² Lacy Ford argues that South Carolina repealed its homestead law in 1857 because of its adverse effect on credit.: Ford, *Origins of Southern Radicalism*, 323-324. Louisiana representative Augustin argued that the homestead exemption created “property which could not be converted to meet the real and necessary wants of a family.”: *Official Report of the Proceedings of the [Louisiana] House of Representatives* (New Orleans: n.p., 1852), 109. Tennessee representative Ewing said exemptions were “greatly detrimental to the interests of the *poor man* . . . preventing him from employing his credit.”: *Legislative Union and American*, 1859-60, 559.

⁸³ Judith Kelleher Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana* (Baton Rouge: Louisiana State University Press, 1994), 170.

⁸⁴ February 18, 1856, Anton Reiff Journal, LSU.

Abolitionists focused on the rending of slave families at debt sales to underscore their depiction of slavery as a cruel, heartless institution. British abolitionist William Goodell, who used the laws and court decisions of southern states to critique slavery, dedicated a chapter of his *American Slave Code* to debt sales. The chapter opened with this statement: “As Property, Slaves may be seized and sold to pay the Debts of their Owners.” Goodell compared the laws of southern states to those in Portuguese, Spanish, and French colonies, where slaves “are real estate, and attached to the soil they cultivate . . . and they cannot be seized or sold by creditors.” He noted that the law in southern states would defeat the kind intentions of a benevolent owner:

The slave may be satisfied that his master is not willing to sell him—that it is not for his interest or convenience to do so. He may be conscious that he is, in a manner, necessary to his master or mistress, or that, being a favourite and true servant, they would not sell him at any price. He may even confide in their Christian benevolence and moral principle, or promise that they would not sell him, especially that they would not thus separate him from his wife and children. But all this affords him no security . . . that his master’s creditor will not seize him, or his wife or his children.

Goodell cited three newspaper advertisements of public sales declaring that children would be sold alone. He argued that the tribulations of indebted slaveholders were minor compared to the effect on their bondsmen. Quoting a letter that described the forced sale of slaves and horses and referred to “alarming” times during the Panic of 1837, Goodell caustically remarked:

Truly alarming times, indeed, for slave mothers and their babes—for slave wives and their husbands. But of *their* alarms, the writer, the publisher, and the readers generally, it may be presumed, thought no more than they did of the alarms of the “horses” associated and seized with them.

He concluded that the separation of slave families at debt sales was not an “abuse” but the logical outcome of the relation between an owner and his property. “It would be absurd,” Goodell wrote, “for the law to sanction such a relation, and then leave the rights unprotected which the relation implies.”⁸⁵ He had identified the difficulty faced by proslavery ameliorators: any concession to the humanity of slaves by restricting the destruction of families through sale would impair the property rights of masters.

⁸⁵ Goodell, *The American Slave Code In Theory and Practice*, 49-54.

Humane white southerners understood the anxiety and sorrow inflicted upon slaves by debt sales and suggested restrictions. A significant effort originated with South Carolina jurist John Belton O’Neill, in his compendium and commentary on *The Negro Law of South Carolina*. He summarized the state’s law: “Slaves are . . . treated as other personal chattels, so far as relates to questions of property, or liability to the payment of debts, except that . . . the sheriff . . . is directed to sell every other part of the personal estate, before he shall sell any negro or negroes.” Because of the “slight character which they bear in legal estimation, as compared with real estate,” O’Neill wrote, “slaves are subjected to continual change.” He recommended a radical change in the legal interpretation of slave property to alleviate this problem:

This continual change of the relation of master and slave, with the consequent rending of family ties among them; has induced me to think, that if by law, they were annexed to the freeholds of their owners, and when sold for partition . . . they should be sold with the freehold, and not otherwise—it might be a wise and wholesome change of the law. Some provision, too, might be made, which would prevent, in a great degree, sales for debts. A debtor’s land and slaves, instead of being sold, might be sequestered until . . . they would pay all his debts . . . by the annual profits. If this should be impossible on account of the amount of the indebtedness, then either court, law or equity, might . . . order the sale of the plantation and slaves together or separately; the slaves to be sold in families.⁸⁶

O’Neill basically suggested that South Carolina declare slaves to be real estate rather than personal property. Such a change would attach slaves to the land, so that they could not be sold separately from it. In *Southern Slavery and the Law*, Thomas D. Morris writes: “In the eighteenth century, people were willing to place more restraints around the alienation of slaves, but it was not in order to preserve slave families . . . as much as it was to assure a labor force.” Until 1792, Virginia considered slaves to be realty in some respects, but they remained liable for the payment of debts. Even when it allowed masters to entail slaves along with land in 1727, Morris says, Virginia “chose not to destroy ‘the credit of the country’” by removing entailed slaves from the reach of creditors.⁸⁷ In the eighteenth century slaves were too valuable as items of commerce to

⁸⁶ O’Neill, *The Negro Law of South Carolina*, 18. O’Neill’s work was submitted to the governor and printed for members of the legislature.

⁸⁷ Thomas D. Morris, *Southern Slavery and the Law, 1619-1860* (Chapel Hill: University of North Carolina Press, 1996), 66-67.

allow substantial restrictions on their liability for debt. When O’Neill made his recommendation commercial imperatives were even more important, and support for feudalistic ideas like entail and the attachment of cultivators to the soil had dwindled. His suggestion gained some popularity, nevertheless, and reformers often expressed similar ideas.

In 1848, when O’Neill called for reform, only one slave state restricted the division of slave families. Retaining elements of French colonial rule, Louisiana’s Black Code, or *Code Noir* included several provisions which protected slave families by imposing conditions on sales. For one, it required that, in public sales, slaves “disabled through old age, or otherwise, and who have children,” be sold with the child of their choice. The code also prohibited separation of children under ten from their mothers, in public and private sales. Moreover, it forbade the introduction into the state of any slave under ten years old, “unaccompanied by its mother if living.” In 1856, violation of the provisions on mothers and children incurred forfeiture of the slave and a fine of between one and two thousand dollars.⁸⁸ That punishment made the statute a significant restriction on slave sales in a state that was a major importer of slaves. Judith Kelleher Schafer argues that it sharply reduced the sale of unaccompanied children under ten from outside of the state. She writes that just before the law’s enactment in 1829, 13.5% of slaves sent from Virginia to New Orleans were under ten; while after its passage, children under ten dropped to only 3.7% of such shipments, with none unaccompanied by their mothers. Schafer also cites a number of cases to show that state courts enforced the laws on slave mothers and children. In 1859, she reports, Justice Alexander Buchanan of the Louisiana Supreme Court ruled that “the humane provision of our law” made it “imperative that the slave mother cannot be sold separately from

⁸⁸ Phillips, *The Revised Statutes of Louisiana*, 58, 60. Louisiana employed the ten-years-old limit in another instance. Children born of slave mothers imprisoned for life became the property of the state and were sold at public auction upon reaching the age of ten.: Phillips, *The Revised Statutes of Louisiana*, 421-422. Louisiana’s prohibition on the sale of young children apart from their mothers was first imposed in 1724, five years after the first slaves arrived in the French colony. In 1806, after its sale to the United States, Louisiana enacted a new Black Code which contained provisions regarding the separate sale of children under ten and the sale of elderly or disabled slaves with their children. In 1829, Louisiana passed the aforementioned statute prohibiting the introduction of children under ten into the state without their mother.: Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*, 1, 8.

her offspring of tender age.” Schafer concludes that “the law and the courts did attempt to keep slave mothers and their young children together.”⁸⁹ Louisiana’s example demonstrates that some humane restrictions on sales were not incompatible with a thriving traffic in slaves.

While Louisiana prohibited the separation of slave mothers and young children in all sales, public and private, other states generally considered restricting only public sales. Two reasons explain this general tendency. The first is that public sales—probate, equity, and sheriffs’—were conducted by agents of the state. In these the state provided an indispensable service to debtors and creditors by maintaining a regular and dependable medium for the liquidation of property into cash. Because the sales were conducted by its agents, the state could impose whatever conditions and restrictions it saw fit. The second reason goes to the heart of slaveholders’ conception of themselves and their treatment of slaves: the self-serving myth that they broke up slave families only when absolutely necessary. Only the irresistible compulsion of debt, slaveholders asserted, could lead a paternalistic master to allow the rending of family ties among his slaves. Thomas Hart Benton propounded a standard version of the myth during an 1856 lecture: “Families of slaves are separated only in cases of extreme necessity, and then it is a cause of great unhappiness to the owners.” Were slaves not liable for debt, he claimed, the domestic slave trade would virtually end. Benton declared: “There are three causes that lead to the sale of slaves—incorrigible vice, debt, and execution sale for debt. Let execution sales be abolished and the trade ceases. The slave then becomes a member of the family.”⁹⁰ Rees W. Porter, a “General Agent for the sale of negroes” in Nashville, used the myth of the reluctant

⁸⁹ Schafer, *Slavery, the Civil Law, and the Supreme Court of Louisiana*, 165-168. Frederic Bancroft, however, implies that the law was often ignored. He argues that the punishment “would have meant much if it were strictly enforced.”: Frederic Bancroft, *Slave Trading in the Old South* (1931; reprint, New York: Frederick Ungar, 1959), 197. Anecdotal evidence shows that the law did not close down the trade in unattached children. In 1858, a resident of Oak Lawn, Louisiana told a friend in New Orleans: “Be on the look out for . . . an orphan girl of eight or nine years of age, they are frequently offered.”: Edward G. Stewart to John W. Gurley, December 19, 1858, John W. Gurley Papers, LSU.

⁹⁰ “Mr. Benton’s Lecture in Boston,” *Boston Journal in Raleigh Semi-Weekly Register*, December 3, 1856. Benton’s reference to “debt” as opposed to “execution sale for debt,” most likely refers to slaveholders who sold slaves to pay debts prior to their creditors taking legal action, thereby avoiding a sheriff’s sale of their property.

slaveholder to attract business. In 1857, he placed an advertisement in a business directory which stated that he “will always consult the comfort and convenience of negro families in finding homes for them.” The editor of the directory colluded in the mythmaking, declaring: “Failure in business, death, and the consequent division of negro property render it necessary that some one should make it his business to seek a master and a home for such as must be sold.” That gives the impression that, like the slaveholder unwilling to sell his property, Porter engaged in the business because circumstances made it necessary. Concluding his discussion of Porter’s trade, the editor wrote: “All persons who may be compelled to sell their negroes would do well to call on Mr. Porter.”⁹¹ The advertisement for, and discussion of, Porter’s business, made it seem that any sale of slaves resulted from extreme compulsion or hardship. There was no indication that the sale of slaves might be voluntary, that an owner would choose to divide a slave family. Only the market intruded upon the halcyon state of master-slave relations.

Alabama law gave some protection to slave families by imposing meager restrictions on public sales. The state code provided that no slave child under ten could be separated from its mother at execution sales. Where Louisiana banned those sales entirely, Alabama limited them only in sheriffs’ sales. Moreover, the Alabama law included a clause that diluted the protection afforded to slaves and demonstrated the supremacy of slaveholders’ property rights. The state law regarding execution sales of slaves under ten read:

The mother and child, or children, must be sold together, unless the parties in interest, or one of them, make affidavit and delivers the same to the officer, that he believes his interest will be materially prejudiced, by selling the slaves together, when they may be sold separately.

Children could be sold apart from their mothers if either the debtor or one of his creditors believed that a separate sale would bring more money. In reality, the law was nothing more than an admonition to keep mothers and children together. The only firm limitation in this law was

⁹¹ John P. Campbell, *Nashville Business Directory. Containing the names, business, and residence of all heads of families, business firms, etc., etc., for the City of Nashville and Suburbs. Vol. III—1857* (Nashville: Smith, Camp & Co., 1857), 10, 172.

that “no levy or sale shall be made, by which a child under five years of age shall be separated from its mother.”⁹² Alabama truly prohibited only the separation of mothers and children under five at execution sales, a provision which imposed no financial cost on debtors and creditors. According to Frederic Bancroft, “the dividing line between children that were worth more with their mothers and those that were worth more without them was at about eight years of age”⁹³ The state code also provided that, in any sale of slaves under decree of chancery or probate courts, deeds of trust, and mortgages, “the slaves must be offered, and, if practicable, sold in families.” This, however, also contained the aforementioned clause regarding the ability of the debtor or his creditors to force a separate sale. The law did no more than state the principle that, if no financial loss was incurred, slaves should be sold in families.⁹⁴ Alabama slave owners and their creditors respected the integrity of slave families only when doing so did not impose a financial cost.

The only other slave state that granted statutory protection to slave families was Georgia. It did not regulate execution sales, but limited the disposition of a deceased slave owner’s human property. Georgia law included a version of Judge O’Neill’s recommendation, by restricting the sale of a decedent’s slaves for debt. Unless specified in the will, slaves could not be sold to pay debts “unless the other personal estate, together with the hire of the slaves for twelve months, will be insufficient to discharge them.” While it protected the property rights of heirs, the measure could also have benefited slaves. Georgia also prohibited any “administrator, executor, guardian or other trustee” from separating children under eight from their mothers and from splitting a husband and wife, if their marriage was recognized by the deceased master.⁹⁵ Georgia law gave some security to slave families after their owner’s death, often a period of great anxiety.

During the 1855-56 session of the Tennessee legislature, Representative Neill S. Brown introduced a bill to prohibit the separation, in nearly every conceivable way, of slave children

⁹² *The Code of Alabama*, 392.

⁹³ Bancroft, *Slave Trading in the Old South*, 197.

⁹⁴ *The Code of Alabama*, 392.

⁹⁵ Clark, Cobb, and Irwin, *The Code of the State of Georgia*, 483. The age of the child, eight years, fell exactly on Bancroft’s “dividing line,” in which case the financial sacrifice was minimal.

under ten from their mothers. He even worded the bill's title to emphasize its humane nature. On the manuscript bill, the original title, "A bill to regulate the sale & disposition of slaves," was crossed out and replaced with "A bill to prevent the separation of children from their mother, in the disposition of slaves." The bill stated "no sale, either private or public . . . or any gift, bequest, or other transfer, shall be valid," if it separated a mother from a child under ten. By preventing separations by gift and bequest, it went even further than Louisiana law, which only forbade separation through sale. Punishment for violation, a fine of at least one hundred dollars, attached to buyer and seller. Despite its relatively liberal provisions, the bill still protected the property rights of slaveholders. It provided that in cases of bequest, if a joint sale of mother and children were not possible, "the executor shall detain the slaves & hire them out, until the children" reached the age of ten. The same provision applied to cases of intestate estates and to gifts. Once again, humane protection of the ties between a slave mother and her child were made secondary to slaveholders' financial needs. Despite its attention to those needs, the bill received a negative committee report, and was subsequently rejected by the House.⁹⁶ Tennessee lawmakers did not seriously consider any other protection for slave families before the Civil War.

In 1856 a well-organized group of Virginia reformers collected signatures in support of a memorial "asking for certain reforms in the Laws concerning slaves and Free Persons of Color." They sent printed versions to individuals, asking them to gather signatures; and to newspapers, requesting them to "publish it for the information of the people." The memorial called for laws to prohibit "the separation of parents and young children," to recognize and secure marriage among slaves, and to allow people to teach slaves to read. These suggestions, it declared, were made on behalf of slaves, in the belief "that they are something other than *mere* property." The memorial condemned the separation of children from their parents in the strongest terms, declaring: "Laws

⁹⁶ HB451, 31st General Assembly, House Bills, RG60: Legislative Materials, TSLA; *Tennessee House Journal*, 1855-56, 677-678. The bill lost by a vote of 40 to 16. Before the vote, a supporter of the bill offered an amendment that would have lowered the child's age to seven.

which tolerate the separation of parents and children produce scenes that the Christian heart must characterize as cruel and impious, and worthier of the slave-coast in a past generation, than of Virginia in this day.” It characterized non-recognition of slave marriages as “unchristian,” and the prohibition upon slave literacy as “unwise.” As slavery was divinely ordained, the memorialists claimed, slaveholders were obliged to improve and elevate the bondsmen “confided” to their control. The reformers couched their appeal in terms designed to absolve them from any taint of northern abolitionism, and cited only southern antecedents. While rejecting “foreign interference” with slavery, they argued that Virginians should not allow outside criticism to keep them from performing their “duty to this race.” In referring to southern thought on the treatment of slaves, the memorialists showed familiarity with the aforementioned laws and suggestions. The memorial noted:

In Louisiana, the laws prohibit the separation of parents and young children, and the same policy has been engaging legislative attention in Georgia and Alabama. In South Carolina, such modifications of the code on Slavery . . . have been advocated by many able writers and jurists—among whom we may mention . . . Judge O’Neill.

Preventing the separation of slave parents from their children by sale was an integral part of a respectable southern reform agenda. The memorialists tried to carve out a space, however small, for well-intentioned white southerners to discuss improving slaves’ lives. The state legislature paid little heed to the memorial and took no substantive action toward enacting the reforms.⁹⁷

Two years later, however, Senator John Claiborne raised the issue of parent-child separation through sales. On January 6, 1858, Claiborne submitted a resolution directing the Committee for Courts of Justice to “enquire into the expediency of . . . prohibiting the sale of slave children under ten years of age apart from their mothers.” His suggestion would have made Virginia law

⁹⁷ Petition of Citizens of Hancock County, February 20, 1856, LP, LVA; Petition of Citizens of Marshall County, February 1856, LP, LVA. The copy sent from Hancock bore 103 signatures, including that of George McC. Porter, who served in the House of Delegates from 1857-1860 and was a member of the 1861 state convention. The petition from Marshall had 47 signatures, including James G. West, a state senator in the 1857-58 session.

the same as that of Louisiana. The Senate, however, was unwilling to consider the prohibition and did not submit the issue to the committee.⁹⁸

The Virginia memorial was part of a religiously inspired effort to improve the condition of slaves. Discussing attempts at reform in South Carolina, Kimberly Kellison says Protestant ministers demanded “laws to protect slave marriage, prevent the separation of mothers and small children, and allow slave literacy.” These calls for reform, she argues, became more pronounced “in the three decades before the Civil War.” As in the Virginia memorial, ministers maintained that “slavery would receive God’s blessing only when slaves were treated according to Biblical standards.”⁹⁹ In 1855, North Carolina reformers circulated a memorial similar to the one in Virginia. It called for establishing legal marriage among slaves, protecting “parental relations,” and eliminating prohibitions of slave literacy. Moreover, it noted that such reforms were being considered in Alabama and Georgia. The *Raleigh Register* stated that “a large portion of the better class of the population” supported the memorial’s proposed reforms.¹⁰⁰ The similarities between the North Carolina and Virginia memorials show that preventing the separation of slave parents and children by sale was a recurrent demand of reformers in the late antebellum South.

Despite reformers’ efforts and public opinion which outwardly condemned separating slave children from their mothers, such public sales continued until slavery ended. Unrestricted division and sale of slaves for payment of debt met a critical need of the southern economy. Thomas Russell found that, compared to private, commercial sales, “slaves at court sales were four times more likely to have been sold individually.” While the average price of an individual

⁹⁸ *Journal of the Senate of the Commonwealth of Virginia: Begun and Held at the Capitol in the City of Richmond, on Monday the Seventh Day of December, in the Year One Thousand Eight Hundred and Fifty-Seven* (Richmond: John Warrock, 1857), 215 (hereafter cited as *Virginia Senate Journal, 1857-58*). After a senator from the northwest unsuccessfully tried to table his resolution, Claiborne withdrew it with the general consent of the Senate. Claiborne represented the City of Petersburg and Prince George County.

⁹⁹ Kimberly R. Kellison, “Toward Humanitarian Ends? Protestants and Slave Reform in South Carolina, 1830-1865,” *South Carolina Historical Magazine* 103 (July 2002): 212-213.

¹⁰⁰ “Memorial of the Citizens of North Carolina to the General Assembly,” and *Raleigh Register*, April 18, 1855, cited in R. H. Taylor, “Humanizing the Slave Code of North Carolina,” *North Carolina Historical Review* 2 (July 1925): 331.

slave at a court sale was lower, Russell notes, “the aggregate return . . . was higher . . . than at commercial sales.” This was so because more slaves were sold individually at court sales, and “the average sale price for slaves sold individually was substantially higher than for those sold in groups.”¹⁰¹ Debtors and creditors thus possessed an overriding self-interest in preserving courts’ ability to break up slave families. Court sales provided an unmatched outlet for liquidating slave property, for their imperatives were different from those of commercial sales. “Social or humane strictures kept some slave families together” at commercial sales, Russell argues, because such sales were voluntary. A slaveholder who separated a mother and child to maximize profits could face a degree of social ostracism and would find it difficult to act the paternalist. At court sales, however, slaveholders were compelled to yield their bondsmen for sale and could not control their disposition. Moreover, the sheriff conducting a sale was constrained to “ensure that the beneficiaries of the sales receive the greatest possible proceeds.” Court sales existed to liquidate property for the satisfaction of creditors, and a sheriff who failed to maximize returns would be shirking his duty.¹⁰² Two rulings demonstrate that southern judges required the division of slave families in order to maximize proceeds. In North Carolina, Judge Thomas Ruffin, ruling on the group sale of four young brothers by an executor, conceded that separating the boys would have been “harsh,” but argued it “must be done, if the executor discovers that the interest of the estate required it; for he is not to indulge his charities at the expense of others.” In 1849, a Kentucky court decided that a group of slaves liable for debt should not have been sold together, and ordered a new sale, in which the slaves would be sold individually. While group sale preserved a family, the court ruled it “would be often detrimental to the best interests of the debtor and creditor.”¹⁰³ Sheriffs and other agents responsible for the public sale of slaves were required to maximize proceeds, which often necessitated dividing slave families. Court sales supported the

¹⁰¹ Russell, “Sale Day in Antebellum South Carolina,” v, 207-208.

¹⁰² Russell, “Sale Day in Antebellum South Carolina,” 246, 10.

¹⁰³ *Cannon v. Jenkins*, 16 N.C. (1 Dev. Eq.) 422 (1830), cited in Andrew Fede, *People Without Rights: An Interpretation of the Fundamentals of the Law of Slavery in the U.S. South* (New York: Garland, 1992), 233; *Lee v. Fellowes & Co.*, 10 B. Mon. 117 (Ky., 1849), cited in Morris, *Southern Slavery and the Law*, 130.

myth of the reluctant slaveholder by providing a medium in which it was permissible, and indeed necessary, to ignore family ties and sell slaves individually. Russell concludes: “The ideological construction of sales by operation of law as involuntary. . . . helped hide the benefits gained by the legal liquidation of slave families.”¹⁰⁴ Protecting slave families at public sales, outside of Louisiana, was possible only when it entailed no financial loss to white property holders. When reformers’ desires coincided with slaveholders’ property rights, however, traction could be had. Early proposals to exempt some slave property from sale for the payment of debts did just that, allowing the measure to be supported for humanitarian and utilitarian reasons.

Early Legislative Proposals for Exempting Slaves from Liability for Debt

At the time of Governor Adams’s message, Thomas Hart Benton proclaimed the end of slave exemption as humanitarian reform. One “measure for the amelioration of the slave” which had been considered by southerners, he declared, “was to exempt them from attachment and sale as property.” Benton said the exemption would have made slaves like “the villeins of ancient England,” by “attach[ing] them to . . . their masters.” Exemption would have “semi-manumitted” the bondsmen by tying them to one master for life. He blamed abolitionists for southern refusal to enact the measure, saying it “was defeated by the agitation in the free States.”¹⁰⁵ Benton described much of the rationale for exempting slaves before Governor Adams’s message, but he gave only part of the story. Reformers, as Benton claimed, promoted slave exemption as a way to improve the lives of slaves. On the other hand, legislators argued for the exemption because they wanted slaveholders to share in the protection given to owners of other property. In addition, a few southerners anticipated Governor Adams’s rationale by arguing that the exemption would make slave ownership more attractive to nonslaveholders. The motives of slave exemption proponents were more complex than Benton suggested, and so too were those of its opponents. His claim that

¹⁰⁴ Russell, “Sale Day in Antebellum South Carolina,” 258.

¹⁰⁵ Mr. Benton’s Lecture in Boston,” *Boston Journal in Raleigh Semi-Weekly Register*, December 3, 1856.

exemption was set aside because of abolitionist criticism of slavery was partly true, but it did not explain all of the opposition.

As it did with the homestead, the Republic of Texas exempted slaves from debt before any of the United States. On January 27, 1841 it passed a law exempting all slaves from sale for debt.¹⁰⁶ The law, historian Randolph Campbell writes, became “instantly controversial,” mostly because it “arrayed one type of property interest against another.” Creditors were unhappy about valuable property being put out of their reach, but some Texans believed it would help their nation by attracting immigrants. The Houston *Morning Star* defended the law on a humanitarian basis, arguing that the master-slave tie was like a familial relationship. Its editor, D. H. Fitch, asked: “Is it not only right that this ‘property’ not be sold?”¹⁰⁷ In the end, Texas repealed the slave exemption law before it had been in effect for a year.¹⁰⁸ This early law shows that the discussion before 1856 was more complicated than Benton indicated. The debate in Texas anticipated those in other states by introducing humanitarian and utilitarian arguments in support of the exemption.

As Louisiana considered a homestead bill in 1852, one lawmaker suggested that slave owners be allowed to exempt their peculiar property. When he learned that the pending bill did not exempt “any other property besides the homestead,” Representative Parham supported a colleague’s substitute, which provided that any property worth up to \$1,500 could be exempted. The sponsor of that substitute, Representative Payne, explained: “The principle designating certain property [is] not so good as giving the debtor choice without injuring the creditor.” Parham agreed, saying his constituents would oppose a bill which exempted only a homestead: “They almost universally preferred slaves or other property—something indispensable to their support, to land. Give them, then, the privilege to use this exemption to buy . . . whatever they preferred.” The House relented by enabling a “debtor to select any property owned by him, in lieu

¹⁰⁶ *Laws of the Republic of Texas Passed at the Session of the Fifth Congress* (Houston: 1841), 51.

¹⁰⁷ Randolph B. Campbell, *An Empire for Slavery: The Peculiar Institution in Texas, 1821-1865* (Baton Rouge: Louisiana State University Press, 1989), 98.

¹⁰⁸ *Laws Passed by the Sixth Congress of the Republic of Texas* (Austin: 1842), 25.

of the Homestead,” up to the amount allowed for a home and land. Days later, Representative Graysen moved to delete that proviso, emphasizing the vulnerability of slave property:

If we desired to legislate a Homestead, let us do so.—If we left it discretionary with the debtor to point out property to be exempted, he might choose a negro, and if that negro died the debtor would be left without any support, and the beneficial effects of the Homestead Exemption would thus be lost.

The bill, like many exemption laws, required owners to register a description of their property with local officials to avail themselves of the exemption. Graysen worried that a master whose slave died would fail to register other property, and be left with nothing. The House agreed with his rationale and removed the proviso. To protect its citizens, Louisiana did not allow slave owners to risk exempting a slave instead of a homestead.¹⁰⁹

At the time of the Louisiana debate, Mississippi legislators tried to win a comparable substitution for slaveholders. A lawmaker called for “a Bill equalizing the exemption Law so as to permit persons to elect whether they will hold Negro property exempt . . . instead of the property now exempt by law.”¹¹⁰ Mississippi had exempted a homestead up to \$1,500 in value since 1841, and the legislature added up to \$500 worth of household and kitchen furniture in 1852.¹¹¹ The lawmaker’s central idea was that a bill would *equalize* exemption law by giving slaveholders the same privilege granted to homeowners. A bill meeting his wishes appeared as “Senate—No. 9” in February 1852.¹¹² It provided that white family heads

who, besides owning farm lands in the country, or a lot or lots in any city, town, or village, in this State, of the value of fifteen hundred dollars; exclusive of improvements; shall also own slaves to the value of fifteen hundred dollars or more, may elect to retain

¹⁰⁹ *Official Report of the Proceedings of the [Louisiana] House of Representatives* (New Orleans: n.p., 1852), 57, 59, 95, 109; *Louisiana Acts, 1852*, 223. The House passed Graysen’s motion to delete by a vote of 49 to 17.

¹¹⁰ Undated mss. motion in RG 47, Volume 24: “Bills, Resolutions, amendments, etc., Regular session of the Legislature, 1859,” MDAH. The anonymous lawmaker moved to instruct the judiciary committee to report such a bill. Although filed with 1859 Bills, this motion clearly led to the 1852 bill discussed below. In 1859 Mississippi exempted one slave per owner from sale for debt, so the motion would not have been introduced then.

¹¹¹ Farnam, *Chapters in the History of Social Legislation*, 151; *Mississippi Laws, 1852*, 319-320.

¹¹² “Senate—No. 9. A Bill To be entitled, an Act to amend an Act entitled, ‘An Act to exempt from sale under execution, certain property therein mentioned,’” RG 47, Series 1701: “Bills 1852,” MDAH. Hereafter Senate No. 9. This version of the bill is printed, indicating that it made some headway and received serious consideration.

exempt from any . . . legal process of seizure or sale, slaves to the value of \$1500, in place and stead of said 160 acres of land, or of a city, town, or village lot.¹¹³

This bill, then, would have allowed slave owners to transfer the homestead exemption to their bondsmen, preserving scarce labor in a region with abundant land. The second section provided for family heads to exempt “both real and personal estate . . . or personal property, exclusively . . . to the value of \$1500.” That would have granted the choice favored by the aforementioned Louisiana representatives. One feature, excised by the Senate, would have imparted a degree of risk by allowing substantial profit or loss to debtors. As in Louisiana, owners had to register their property with local officials to utilize the exemption law. Section four of this bill would have forced property owners to live with the consequences of that registration, providing that once “real estate . . . or slaves, or other personal property . . . have been . . . reserved in exemption . . . no other or further claim shall be allowed under pretext of the loss or destruction of said property, or for the failure of its titles, or for any other cause.” A slaveholder who exempted a slave, and then had that slave die or run away, would be in the exposed position Graysen of Louisiana warned against. On the other hand, a property owner would benefit from appreciation of his exempt property. Section four also provided:

The same property being real estate, subject to its increased value . . . or its diminished value . . . ; or being slaves or other personal property, subject to its improved value by natural increase or other cause; or its diminished value by death, by use, loss, or other causes, shall remain and continue to said debtor, and represent his entire interest by virtue of his original claim in exemption.

This clause would have been attractive to a slaveholder, for one who exempted a female slave would have been able to retain all of her offspring. Section four of the bill would have replicated much of the speculation inherent to slaveholding in the realm of exemption law.¹¹⁴ In the end,

¹¹³ “Senate—No. 9,” MDAH. The bill seems to have restricted the option to substitute slaves only to those family heads owning *at least* \$1,500 of land, the *maximum* value allowed under the state’s homestead law. Whether family heads owning less than \$1,500 of land could have exempted the equivalent value in slaves is unclear.

¹¹⁴ The cited parts of Section Four are crossed out, indicating that the Senate deleted them before coming to a decision on the bill.

Mississippi legislators defeated the bill, concurring with their Louisiana counterparts in rejecting the principle of debtor's choice in favor of a homestead.¹¹⁵

The most significant effort to exempt slaves from debt before 1856 occurred in Alabama during the early 1850s. Introduction of a slave exemption bill in the legislature sparked a debate in which some proponents claimed it would make slave owning attractive to nonslaveholders, while others, including Alabama's governor, favored it as a humanitarian measure. This debate publicized the slave exemption idea so that when Governor Adams delivered his message in 1856, many politicians and editors had some familiarity with it. Alabama began its consideration of slave exemption at the 1851-52 legislative session, with the introduction of a bill exempting "slaves from sale under execution." The committee to which the bill was reported was "in favor of the principle," but it substituted a new bill. The substitute allowed slave owners to exempt up to fifteen slaves by recording those slaves with the state and paying twenty-five dollars for each one.¹¹⁶ Unlike the Louisiana and Mississippi proposals, it would have allowed slaveholders to buy the right to exempt more property than nonslaveholders could. The legislature reached no decision on the measure, and postponed it until the next session, which began in November 1853. During the interim, a South Carolina newspaper, the *Darlington Flag*, argued in favor of the bill:

[T]he institution of slavery will thereby be fortified, as inducements are held out to each citizen to become a slave owner; . . . the relations of master and slave will thereby assume a more kind and affectionate character; and above all . . . a much larger revenue will be yielded to the State in this way, than could be attained by any other species of taxation.¹¹⁷

This was the first explicit statement that exemption would induce nonslaveholders to purchase slaves, reflecting the growing suspicion of nonslaveholders' loyalty. In 1853, that argument co-existed with the humanitarian rationale. Three years later, however, the perceived need to bring

¹¹⁵ A handwritten notation indicates the bill was "Rejected" by the legislature.: "Senate—No. 9," MDAH.

¹¹⁶ "Exemption of Slaves from Sale under Execution," *Darlington Flag* in *Southern Cultivator* 11 (October 1853): 309.

¹¹⁷ "Exemption of Slaves from Sale under Execution," *Darlington Flag* in *Southern Cultivator* 11 (October 1853): 309.

nonslaveholders into the fold of slave ownership was virtually the only argument advanced by slave exemption proponents.

Just before the 1853-54 session, the *Montgomery Advertiser and Gazette* previewed the “questions of State policy of the most absorbing interest,” that it expected to be considered by the legislature. It predicted that “exemption of a certain number of slaves from execution and sale,” would be “among the measures that will claim a large share of the time.”¹¹⁸ Governor H. W. Collier justified that prediction by devoting part of his opening message to slave exemption.¹¹⁹ He proposed restrictions on public sales in order to protect slave families, as well as the partial or total exemption of slaves from sale for debt. Collier emphasized slaves’ humanity, expressing support for the state laws which “very properly” required children to be sold with their mothers and decreed that, when possible, families be sold together. Unfortunately, he noted, debtors and creditors could “impair . . . these very salutary enactments,” through the aforementioned clause allowing them to claim that their interests would thus be harmed. “These provisions,” Collier argued, “should be absolute, at least as it respects mothers and children of ten years of age and under, and husband and wife.” Those family relations among slaves were ones that “moral duty requires us to respect.” Collier explained: “The husband and wife generally cherish affection for each other, and the natural attachment of mother and child are usually strong.” His suggestions, if adopted, would have established a protection of slave marriages unmatched by any other state, and made Alabama’s treatment of public sales similar to Louisiana’s, in terms of preserving the maternal tie. For masters who might feel their interests were harmed, Collier offered a palliative, saying that a young slave allowed to “enjoy this parental oversight during childhood,” would be “better prepared by good principles and industrious habits, to act its part afterwards.”¹²⁰

¹¹⁸ [Weekly] *Montgomery Advertiser and Gazette*, November 16, 1853. The article originally appeared in the November 10, 1853 issue of the daily *Advertiser and Gazette*.

¹¹⁹ The official journals of the legislature assigned the sub-heading “Slaves—Sale of under Execution, &c.,” to this part of Collier’s message.

¹²⁰ *Alabama House Journal*, 1853-54, 44.

In his treatment of the pending slave exemption bill, Collier touched upon the credit system, highlighted the bond between masters and slaves, and also alluded to class relations.¹²¹ He expressed the jaundiced view of credit held by many supporters of debt exemptions: “An excess of credit is certainly a great evil in this State . . . injurious to public morals and productive of much suffering in families.” The possibility that exempting slaves from debt liability might restrict credit was simply “not very objectionable.” Moreover, he claimed, the strong connection between master and slave further warranted a slave exemption law, for sundering that tie “is painful to the kind and considerate master and the dutiful and grateful servant.” Collier cited the peculiar nature of slaves, maintaining that southerners’ interest in them differed from the one “we enjoy in mere beasts or inanimate chattels.” He then made a veiled reference to the class issues involved in slave exemption, expressing uncertainty over “what effect the measure referred to would have upon the institution of slavery at home.” Unlike the *Darlington Flag* and later proponents, Collier seems not to have believed that exempting slaves from debt would make their ownership more desirable to nonslaveholders. He concluded by warning lawmakers that a slave exemption law might produce class conflict: “No enactment of such political importance should be passed without an assurance that popular opinion will sustain it, lest by re-action, injurious consequences may result.”¹²² Collier treated slave exemption with an ambivalence that presented a marked contrast to Adams’s determined advocacy in 1856.

Shortly before Governor Collier’s message to the legislature, Mobile representative Percy Walker introduced “a bill . . . to regulate the sale of slaves,” which anticipated some of Collier’s recommendations.¹²³ Walker probably drew inspiration from the Louisiana Black Code in crafting his bill, for it contained virtually the same provisions. The bill required that at court sales,

¹²¹ Collier mentioned slaveholders’ “purchase of an exemption of slaves from execution,” indicating that he was referring to the substitute bill from the previous session.: *Alabama House Journal*, 1853-54, 44.

¹²² *Ibid.*, 44-45.

¹²³ *Alabama House Journal*, 1853-54, 14; [Tri-Weekly] *Montgomery Advertiser and Gazette*, November 16, 1853. The *Advertiser and Gazette* provided more information than the *House Journal*, reporting: “[A] Bill to regulate the sale of slaves in certain cases—preventing the separation of young children from their mothers.”

old or disabled slaves with children be sold with the child of their choice. It further provided: "Every person is expressly prohibited from selling separately from their mothers, the children who shall not have attained the full age of ten years."¹²⁴ Walker's bill was much closer to Louisiana law than to Governor Collier's recommendations.¹²⁵ The judiciary committee of the House, to which the bill was referred, balked at its protections and reported a weaker substitute.¹²⁶ The substitute would have repealed that part of the Alabama Code allowing debtors or creditors to separate mothers and children under ten by claiming that their financial interests would otherwise be impaired.¹²⁷ While the substitute would have benefited slaves by following Collier's suggestion that the prohibition on such public sales be made absolute, it was far from Walker's original language banning the separation of mothers and young children at all sales. Even that minor concession to slave humanity was too much for the legislature, however, and the substitute bill was defeated.¹²⁸

The primacy of masters' property rights over slaves' humanity, combined with reluctance to institute reforms under abolitionist pressure, helped to defeat Walker's bill. An editorial from the *Richmond Enquirer*, reprinted by the *Montgomery Advertiser and Gazette*, contended that Governor Collier's call for preventing the separation of husbands and wives, and mothers and

¹²⁴ Violators of this part of the bill faced a \$100 fine and/or sixty days' imprisonment in the county jail, "at the discretion of the jury." "A Bill to be entitled an act to regulate the sales of slaves," 1859-1860 Session, "Secretary of State, Administrative, Bills and Resolutions," ADAH. This bill, although filed with material from the 1859-60 session, almost certainly is the bill introduced in 1853. The clerk's notations include dates of action on the bill, but the dates do not include a year. Information on the bill coincides with that in the *House Journal* of the 1853-54 session on several critical points, including the bill's sponsor, the title of the bill, its reference to the judiciary committee, and the dates of its first and second readings.

¹²⁵ Walker's bill protected older slaves, a point not mentioned by Collier; it would have prohibited the separation of mothers and children at *all* sales, not merely the public sales discussed by Collier; and it failed to protect slave marriages, an issue prominently discussed by Collier.

¹²⁶ *Alabama House Journal, 1853-54*, 62, 86-87. Although a member of the committee, Walker failed to win a favorable report for his original bill.

¹²⁷ "A Bill To be entitled An Act to repeal in part, section 2056 of the Code, relative to sales of slaves under execution," 1853-1854 Session, "Secretary of State, Administrative, Bills and Resolutions," ADAH. The substitute did not provide for old or disabled slaves to be sold with one of their children.

¹²⁸ There is no indication of the bill's final disposition in the *Alabama House Journal, 1853-54*, but it did not appear in the *Alabama Acts, 1853-54*. The notations on the mss. bill indicate only that it was adopted as a substitute and ordered engrossed for a third reading, corresponding to the information on pp. 86-87 of the *House Journal*.

children, “in the sale of slaves,” was “most unwise and impolitic.”¹²⁹ If slaves were property, “they should be at the absolute disposal of the master . . . subject only to such legal provisions as are designed for the protection of life and limb.” The *Enquirer* worried that regulation would lead the South onto a slippery slope: “If the relation of master and slave be infringed for one purpose, it would be difficult to fix any limit to the encroachment.” By yielding even that “one point,” it warned, slaveholders would “embolden the spirit” of abolitionists and “be driven to some more substantial concession.” The *Enquirer’s* position elided the fact that many proslavery southerners, Collier and Walker among them, hoped to reform the institution by removing one of its ugliest features. Proposals to restrict slave sales, the *Enquirer* maintained, implied the existence “of an evil which does not exist to any extent” and cast aspersions on the morality of slaveholding communities. “The proper remedy” for all “evils incident to the condition of slavery,” was not legislation, but “the voluntary action of an enlightened public sentiment.” Social pressure alone would suffice to keep slaveholders from selling mothers and young children apart from each other, just as it prevented the inhumane treatment of slaves by masters. “In a few years,” the *Enquirer* claimed, “disregard of the family relations of the slave,” would become as rare as “outrageous occurrences of physical cruelty” toward slaves.¹³⁰ The claim that social pressure would solve the problem ignored the fact that, according to Thomas Russell, “the social will approved the sale and fragmentation of slaves’ lives” at public sales.¹³¹ While social pressure might prevent separation in private sales, it did not stop it at public sales, the arena to which Governor Collier specifically referred.

¹²⁹ “Legislation on Slavery,” *Richmond Enquirer* in [Daily] *Montgomery Advertiser and Gazette*, December 28, 1853. The editor of the *Enquirer* appears to have incorrectly believed that Collier suggested prohibiting such separations in *all* sales, when Collier actually recommended forbidding such separations only in *court-ordered* sales. The editor’s supposition was correct though, in relation to Walker’s original bill.

¹³⁰ “Legislation on Slavery,” *Richmond Enquirer* in [Daily] *Montgomery Advertiser and Gazette*, December 28, 1853. The *Advertiser’s* decision to reprint this editorial suggests that its favorable mention of the slave exemption at the beginning of the legislature derived from motives other than slave humanity.

¹³¹ Russell, “Sale Day in Antebellum South Carolina,” 255.

On November 16, the day after Collier's message, Percy Walker introduced a bill "to exempt slaves from levy and sale under legal process."¹³² After referring the bill to its judiciary committee, the House rejected several motions to print the bill and eventually tabled it.¹³³ Walker felt strongly enough about his bill to submit a minority report in its favor, after a majority of the committee decided to oppose its passage.¹³⁴ While the slave exemption bill failed in Alabama in 1853, it enjoyed retrospective support from state newspapers after Governor Adams's message three years later. In 1857, the *Marion Commonwealth*, noting the regional debate sparked by Adams, remarked: "The question is not altogether a new one, having been freely discussed in this State, some three or four years since." It recounted Walker's slave exemption bill, and lamented: "Like all other good legislation in this State, it was stifled in its infancy." The *Commonwealth* argued that slave exemption enjoyed great support in 1853, saying its failure was "much regretted by the more liberal and intelligent" people. Moreover, it claimed, every newspaper in the state but one, which worried about the impact on credit, had favored slave exemption in 1853, "for the purpose . . . that such a law would strengthen the institution of slavery, and give it a more general character . . . in the hands of all classes of citizens."¹³⁵ Introducing a *New Orleans Delta* editorial in favor of slave exemption, a Montgomery newspaper declared: "Similar suggestions have been made heretofore in this State, but no legislative action was had on them."¹³⁶ Citing Walker's 1853 bill, Alabama proponents of the measure in 1857 argued that slave exemption was a measure which had been given sober consideration and that its time had come.

¹³² *Alabama House Journal, 1853-54*, 54. The mss. version of the bill has not survived and neither the accounts of the *House Journal* nor those of the *Montgomery Advertiser and Gazette* shed any light on its contents.

¹³³ *Alabama House Journal, 1853-54*, 68, 182; [Weekly] *Montgomery Advertiser and Gazette*, November 23, 1853. The journal does not record whether the committee reported for or against the bill.

¹³⁴ In 1857, a newspaper reported that Walker "made an able report from the minority of the committee, to whom this subject was referred.": "Exemption of Slaves From Execution and Sale," *Marion Commonwealth* in *Montgomery Mail*, January 28, 1857.

¹³⁵ "Exemption of Slaves From Execution and Sale," *Marion Commonwealth* in *Montgomery Mail*, January 28, 1857. The *Commonwealth's* explanation for the support of the bill in 1853 may actually be more indicative of the imperatives of 1857. Further research in Alabama newspapers from 1853 is necessary to resolve this issue.

¹³⁶ [Weekly] *Montgomery Advertiser and Gazette*, November 26, 1856.

The propinquity of slave exemption to the regulation of slave sales in Governor Collier's message, and Percy Walker's introduction of bills on both subjects, showed the close relationship between slave exemption and humanitarian reform in 1853. From that time forward, the humane rationale declined, as the one promising the diffusion of slave owning took precedence. In 1856, the coincidence of Benton's speech with Adams's message completed the change. While Benton consigned slave exemption as reform to the dustbin, Governor Adams revived the scheme as a means of inducing nonslaveholders to invest in slaves. Before Adams, that was but one of several arguments made in favor of the slave exemption. The others included protecting slave families, strengthening master-slave relations, and granting property exemption rights to slaveholders. These arguments persisted after November 1856, but they stood at the margins of a debate that centered on nonslaveholders' loyalty to slavery. Benton's assertion that slave exemption as reform was defeated because of northern abolitionism did not tell the entire story. The slave exemption, as promoted by Governor Adams, however, was a direct reaction to northerners' emphasis on the fact that slaveholders were a small minority of the South's white population.

Slave Exemption as Social Engineering

In his November 1856 message, Governor Adams put slave exemption at the forefront of the South's political consciousness for months. After his recommendation, newspapers across the region debated the scheme and lawmakers in several states introduced slave exemption bills. The proposal retained its attraction until the Civil War, as southern legislators periodically introduced bills, and arguments for enactment appeared in various publications. Proponents argued that nonslaveholders should have the direct interest in slavery conferred by ownership of a bondsman. Only then could they be relied upon in a confrontation with the North. The debate which ensued from Adams's promotion of slave exemption is a powerful indication of elite concern regarding nonslaveholders' loyalty to the peculiar institution.

Adams gave the slave exemption proposal a tremendous amount of publicity, but he did not originate the idea of using it to diffuse slaveholding, nor did he provide a detailed exposition. As with his recommendation to reopen the African slave trade, Adams borrowed an idea which corresponded to his ideological disposition. In the case of slave exemption, he almost certainly drew inspiration from editorials printed in the *New Orleans Daily Delta* during the fall of 1856. The *Delta* eschewed partisan affiliation and was an outspoken champion of southern rights, with a penchant for editorial fire-eating matched only by the *Charleston Mercury* and the *Jackson Mississippian*. Even southern Democratic editors often criticized its extreme stances. Days before Adams's message, a Nashville editor complained:

Black-Republican and know-nothing organs . . . quote ill-tempered and inflammatory articles from the *Charleston Mercury* and *New Orleans Delta*, and speak of them as democratic journals, seeking, thereby, to hold the democratic party responsible for their absurdities. . . . these journals belong to that class of papers that style themselves "independent."¹³⁷

On the day of Adams's message, J. S. Thrasher criticized the *Delta* in a letter to South Carolina legislator James J. Pettigrew. Thrasher referred specifically to the newspaper's treatment of an *affaire d'honneur*, but his words have general application. He told Pettigrew: "The *Delta* is the Quixote of New Orleans and is in a bad financial condition as is generally supposed, and accordingly writes desperately. . . . The spirit of contrariness . . . animates them."¹³⁸ Despite the newspaper's reputation for extreme and controversial positions, the *Delta's* proposal to exempt slaves from debt liability won the support of many moderate southerners who hoped to see more nonslaveholders become slave owners.

Throughout the fall of 1856, the *Daily Delta* promoted slave exemption as "a means of diffusing slavery, increasing the number of slave-owners, and . . . fortifying Southern society."¹³⁹ It described the exemption as a measure that state legislatures should enact to stabilize "an

¹³⁷ *Nashville Union and American*, November 20, 1856.

¹³⁸ J. S. Thrasher to James Johnston Pettigrew, November 24, 1856, Pettigrew Papers, NCDAH.

¹³⁹ "Society North and South," *New Orleans Daily Delta*, September 19, 1856.

institution which is indispensable” to the South. Proslavery politicians had neglected “measures calculated to fortify, extend and perpetuate” slavery, expending too much effort on the national level in Congress, and “too little in the State Legislatures.” Exempting slaves from debt, “with certain qualifications and conditions,” would help the institution more than the endless debates carried on in Washington. Even as it transformed the rationale for slave exemption, the *Delta* bowed to its antecedents, who had favored the measure as a way to ameliorate slavery or simply wanted slaveholders to enjoy the protection granted to homeowners. Slave exemption was “humane and consistent with the natural relation of master and servant,” and it would “create a species of homestead in slave property.” Moreover, the proposal “has been before suggested . . . in various States, but in no instance has there been any specific legislation.”¹⁴⁰ The *Delta* took pains to characterize the exemption as a conservative measure which had been debated for some time. A Mississippi correspondent echoed that point, writing that slave exemption was “no novel doctrine,” and claiming to have supported it as early as 1830.¹⁴¹ The *Delta*’s characterization was disingenuous, however, for while the proposal had been around for some time, it had not been supported for the reasons which the newspaper advanced in 1856.

In presenting its argument for exempting slaves, the *Delta* concerned itself more with nonslaveholders than with persons who already owned slaves. The measure would have its best effect in shaping the decisions of men who were not yet slaveholders. By giving “security and permanency to slave property, which would make it . . . desirable . . . as a *family estate*,” the exemption would induce nonslaveholders to buy slaves. A head of family would be more willing to risk money on a slave, knowing it would remain in the family’s service and could not be sold for debt. Entry of nonslaveholders into the slave owning fold was necessary because only men with a direct financial interest could be relied upon to protect slavery. Exempting slaves from debt would

¹⁴⁰ “Negro Exemption,” *New Orleans Daily Delta*, September 25, 1856.

¹⁴¹ “Letter from Mississippi,” *New Orleans Daily Delta*, October 31, 1856.

make the ownership of a *few* slaves more desirable than at present, and thus check the tendency to the accumulation of a very large number of slaves in the hands of a very small number of slave-owners, the effect of which is to weaken the institution of slavery by reducing the number and political influence of those who are directly interested in it as proprietors. It would make it to every man's advantage to own a slave, and strengthen actually and politically the institution, as every owner would vote, and if necessary, fight for his property.¹⁴²

With that, the *Delta* repudiated the accumulated wisdom of decades of proslavery argument that asserted that the institution benefited all southern whites, whether they owned slaves or not.

Slaveholding had to be democratized, with slave property more widely distributed, in order to stabilize the institution. Subsequently, the *Delta* concisely expressed its ruling idea: "There are too many non-slaveholders in the South . . . the institution needs to be stabilized by a diffusion amongst a greater number. The measure of slave exemption . . . would go far towards affording a remedy."¹⁴³ That became the primary, and often the only, contention expressed by proponents of the slave exemption following Adams's message. The *Delta* envisioned exemption as a panacea, claiming that once it became "fixed as an inseparable part" of slavery, "no fanatical madness or Congressional usurpation could endanger . . . the South." Moreover, it would help southerners compete in the territories, for when slavery was "diffused among men of comparatively small capital," there would be more "slaveholding emigrants into new territory." The South would be unified, for "in nearly every household," slavery "would become a permanent fixture, an essential idea." Family heads would carry slavery wherever they migrated, defend it to the death, and bequeath it to their children. In addition to co-opting nonslaveholders, exemption would placate slaves by giving them unprecedented security from the dislocation of a forced sale. The "wisest policy" for the South, "enlarges and diffuses the *interest* of the whites in negro slavery, and at the same time conduces to increase and preserve the *affection* of the negro for his master." Of the two, increasing the proportion of slaveholders in the white population was easily more important. "Southern States, by the diffused unity of interest" resulting from the exemption, "would present

¹⁴² "Negro Exemption," *New Orleans Daily Delta*, September 25, 1856.

¹⁴³ "Slavery and the Slave Trade," *New Orleans Daily Delta*, November 14, 1856.

an unbroken front to every assault . . . upon their rights.” The *Delta* concluded ominously: “We fear there is no such unity of interest at present.”¹⁴⁴

The *Delta*’s first editorial on the subject, “Negro Exemption,” won support across the South, with several newspapers reprinting it in its entirety. One of the first to mention it, the *Yorkville Enquirer* described the proposition but omitted the rationale. It remained on the fence, withholding comment and asking readers: “What do you think of it?”¹⁴⁵ Several newspapers in South Carolina thought well of the idea, giving space to the *Delta*’s editorial. The *Charleston Mercury* printed it on November 12, while the *Chester Standard* and the *Greenville Southern Enterprise* placed the editorial in their issues of November 20.¹⁴⁶ By the time of Governor Adams’s message on November 24, many readers in South Carolina were aware of the slave exemption idea.¹⁴⁷ Shortly after Adams delivered his message, the *Edgefield Advertiser* printed the editorial.¹⁴⁸ Adams could afford the brevity he used in discussing slave exemption, for the *Delta*’s elaborate rationale was readily available in South Carolina. Newspapers in several other states reprinted the editorial, including the *Richmond Semi-Weekly Enquirer* and the *Nashville Union and American* before Adams’s message, and the *Milledgeville Federal Union*, in Georgia’s capital, shortly thereafter.¹⁴⁹ All three newspapers had supported the Democratic candidate, James Buchanan, in the 1856 election. In Alabama, partisan newspapers of both the American and the Democratic parties included the editorial in their columns. The *Montgomery Mail*, a supporter of Fillmore in 1856, printed the editorial before Adams’s message and became a staunch friend of

¹⁴⁴ “Negro Exemption,” *New Orleans Daily Delta*, September 25, 1856.

¹⁴⁵ “Mere Mention,” *Yorkville Enquirer*, October 9, 1856.

¹⁴⁶ “Exemption of Negroes from Sale,” *Charleston Mercury*, November 12, 1856; “Exemption of negroes from Sale,” *Chester Standard*, November 20, 1856; “Exemption of Negroes from Sale,” *Greenville Southern Enterprise*, November 20, 1856.

¹⁴⁷ Whether Adams derived the idea from one of those reprints, or from the *Delta* itself, with the editorials being part of an effort to promote the scheme in advance of his message, is unknown. The editors of the *Standard* and the *Southern Enterprise*, weekly papers, likely read the editorial in the November 12 issue of the *Mercury* and printed it at the first opportunity, which was their issues of November 20.

¹⁴⁸ “Exemption of Negroes from Sale,” *Edgefield Advertiser*, December 10, 1856.

¹⁴⁹ “Negro Exemption,” *Richmond Semi-Weekly Enquirer*, November 7, 1856; “Exemption of Negroes From Sale,” *Nashville Union and American*, November 19, 1856; “Exemption of Negroes From Sale,” *Milledgeville Federal Union*, December 9, 1856.

the proposal.¹⁵⁰ For Democrats, the *Montgomery Advertiser and State Gazette* reprinted the argument, and prefaced it with favorable comments.¹⁵¹ Adams struck while the iron was hot, for the *Delta's* argument had provoked a groundswell of editorial support for the slave exemption.

James H. Adams was ideologically predisposed to accept the *Delta's* implication that southern nonslaveholders were inherently threatening to slavery. A wealthy man, he worried about the nature of class relations in the United States and thought nonslaveholders might be susceptible to the Republican party's free-soil doctrine. Adams owned nearly two hundred slaves and was a career disunionist, having supported nullification in 1832 and separate secession in 1850. Upon taking the governor's office, he congratulated South Carolina on its immunity to "the baleful influence of the wild spirit of democracy which has run riot over the North."¹⁵² Benjamin F. Perry provided a revealing glimpse of Adams's outlook, in recalling his impressions of a trip to England:

He said to me, that there was a feeling of loyalty, fidelity and respect shown by the laboring classes in England to the gentry and property holders, which we did not meet with any where in the United States. In other words, said he, "there is no envy, jealousy or prejudice against a man because he is a gentleman and wears a broadcloth coat."¹⁵³

Adams was ill at ease with the democratic ethos of the United States and felt poor whites failed to show the deference and respect due men of his stature. Francis Lieber, a German professor of political science at South Carolina College in the 1840s and '50s, took a harsh view of Adams's message.¹⁵⁴ During the Civil War, Lieber wrote of Adams's concern that "a dangerous class of men, without direct interest in slavery, was springing up," and his desire to see "every white man . . . made an interested shareholder in the institution."¹⁵⁵ Adams favored reopening the slave trade

¹⁵⁰ "Exemption of Negroes From Sale," *Montgomery Mail*, November 15, 1856.

¹⁵¹ [Weekly] *Montgomery Advertiser and State Gazette*, November 26, 1856.

¹⁵² Sinha, *The Counterrevolution of Slavery*, 131.

¹⁵³ Benjamin F. Perry, *Reminiscences of Public Men, by Ex-Gov. B. F. Perry. Prefaced by a Life of the Author, by Hext M. Perry, M. D.* (Philadelphia: John D. Avil & Co., 1883), 156.

¹⁵⁴ Lieber endured a contentious sojourn in the state because of his views on slavery and federal relations, and left for the North in the 1850s.

¹⁵⁵ Francis Lieber, *Slavery, Plantations, and the Yeomanry*, Loyal Publication Society Pamphlet No. 29 (New York: Loyal Publication Society, n.d.), 6. Lieber referred specifically to Adams's support for reopening the slave trade, but his comments apply equally to Adams's recommendation of slave exemption.

and exempting slaves from debt liability because of his fear that nonslaveholders would develop a sense of class-consciousness that would undermine slave owners' hegemony.

Adams continued to worry about nonslaveholders from the time of his 1856 message to the outbreak of the Civil War. In 1858, he renewed his call for reopening the slave trade and reiterated his claim that only more slaves could safely meet the South's need for labor. He asked: "Is it desirable to supply their places with '*mud sills*' from the North? If we invite the element, must we not in time expect to hear in our midst the cry of 'slaveocracy?'" A wider distribution of slave property remained one of his main goals, and he tried to awaken slaveholders to the danger they faced. While high prices helped slave owners economically, they eroded the foundations of the institution. Adams warned:

Are not those in whose hands are now concentrated our slaves, vitally interested in the diffusion of slavery? . . . Is it wise, is it safe on the part of those who own slaves . . . to keep their price up to a point that must forever exclude the laboring white man from owning them?

Moreover, a wider distribution of slaveholding would halt the alarming class-consciousness which had already emerged among nonslaveholding white mechanics. Citing white mechanics' anger over competition from slaves, Adams asked:

Is it not better that the white mechanic should be able to own a slave . . . and thus, by the strongest of human motives, *interest*, be converted into a friend of the Institution, than to have him chafing under what he now considers an unfair competition between free and slave labor?

Demographic trends and indications of class awareness among nonslaveholders led Adams to fear for the long-term future of slavery. "Can the Institution," he wondered, "in the long run, sustain itself as an oligarchy?"¹⁵⁶ That concern was exacerbated by the growth of the Republican party, which Adams noted in his 1856 message and continued to fret over. In 1858, he predicted that a Republican might be elected president in 1860, and that after "the first term of Black Republican rule, we will find in our midst an *organized Freesoil Party*, backed and upheld by the

¹⁵⁶ *An Appeal to the States Rights Party of South Carolina: In Several Letters on the Present Condition of Public Affairs* (Columbia: Office of the Southern Guardian, 1858), 4-5.

overshadowing power and patronage of the Federal Government.” The danger was that free-soil ideas would be propagated within the South and find adherents. Adams described the machinery of Republican infiltration:

Abolition presses, under the false pretence of giving the new Administration a fair showing, will spring up among us. The Post Office will be in the hands of the enemy. Its mission will become one of poison—poison to be infused into our system through a thousand secret channels.

He did not specify who might be vulnerable to antislavery persuasion, but the logical candidates were people without a direct interest in slavery: nonslaveholders.¹⁵⁷ Following Lincoln’s victory in 1860, Adams tried to convince nonslaveholders to support immediate secession. In an address to a crowd in Charleston, a newspaper reported, “Ex-Gov. Adams showed that every class of our people were equally and vitally interested in the decision of this matter.”¹⁵⁸ Saying “every class,” was a euphemistic way to argue that nonslaveholders too, had an interest in protecting slavery. Given his preoccupation with nonslaveholders’ uncertain loyalty, Adams was probably relieved to join the other delegates in signing South Carolina’s ordinance of secession in 1860. Only that step, delegates thought, would keep nonslaveholders insulated from dangerous ideas.

Governor Adams’s recommendation of slave exemption in his 1856 message won the approval of many newspapers in South Carolina. The *Charleston Mercury*, a strident nonpartisan defender of southern rights, became a leading proponent of the measure. It printed three editorials favoring slave exemption during January 1857, and a long letter promoting the idea in November 1857, at the opening of the annual legislative session.¹⁵⁹ The *Chester Standard*, which printed the *Delta* editorial, clearly understood the reason for Adams’s recommendation. Its correspondent, state legislator Cyrus D. Melton, wrote that Adams proposed the measure “to induce the poorer class of people to possess themselves of slave property, and thus become identified with the

¹⁵⁷ Ibid., 10.

¹⁵⁸ “Serenade and Speeches,” *Camden Weekly Journal*, November 13, 1860.

¹⁵⁹ *Charleston Mercury*, January 16, 1857; January 17, 1857; January 27, 1857; “Exemption of one Slave from Execution,” *Charleston Mercury*, November 18, 1857.

institution.”¹⁶⁰ One week later, the *Standard* printed Adams’s entire message and commented that his call for a slave exemption was “eminently proper.”¹⁶¹ In the capital, the *Columbia Times* said the exemption would “add hundreds and thousands to the list of slaveholders, and immeasurable strength to the institution, by enrolling into it those persons who now stand aloof, hesitating to invest small means in this species of property.”¹⁶² Some newspapers, however, were so exercised by Adams’s endorsement of reopening the slave trade that they overlooked slave exemption. Spartanburg’s *Carolina Spartan* sharply criticized his slave trade recommendation and omitted any mention of exemption, while the *Lancaster Ledger* noted the exemption proposal, but withheld comment, focusing on its objection to reopening.¹⁶³ Only the *Greenville Patriot and Mountaineer*, in the upcountry part of the state, sounded a discordant note by opposing slave exemption. Lumping the proposal in with Adams’s call to exempt books and private libraries, it said: “The whole is wrong. Let every man pay his honest debts, as far as he has the means.”¹⁶⁴ Adams’s proposal enjoyed support from South Carolina editors who understood that it derived from concern over nonslaveholders’ loyalty. Opinion makers in the state that initiated secession four years later believed that only slave owners were reliable.

Ordinarily, a governor’s legislative address held interest only for newspapers in that state and, sometimes, those adjacent to it. Adams’s message, however, touched on issues relevant to all slave states, and thus received coverage in newspapers from the Mason-Dixon line to the Rio Grande. Much of it focused on his controversial support for reopening the slave trade, but many editors recognized the novelty and importance of his slave exemption proposal. While a good

¹⁶⁰ “Legislative Correspondence,” *Chester Standard*, November 27, 1856. Melton was one of three representatives from Chester District.: Edgar, ed., *Biographical Directory of the South Carolina House of Representatives*, 1:374.

¹⁶¹ “Governor’s Message,” *Chester Standard*, December 4, 1856.

¹⁶² “The Governor’s Message,” *Columbia Times*, November 25, 1856. Clipping in Pettigrew Papers, Scrapbook, NCDAH. The *Times* favored reopening the African slave trade.

¹⁶³ “Governor’s Message,” *Spartanburg Carolina Spartan*, December 4, 1856; “The Governor’s Message,” *Lancaster Ledger*, December 3, 1856.

¹⁶⁴ “Editorial Correspondence,” *Greenville Patriot and Mountaineer*, November 27, 1856, in Benjamin Franklin Perry Scrapbook, c.1832-1879, SCL.

deal of the initial treatment of exemption was neutral, it nevertheless publicized the measure. A newspaper in Augusta, Georgia, printed the entire message but took no position. Further north, the *Washington Daily National Intelligencer* and the *Baltimore Sun* printed the section of the message covering slave exemption but expressed no opinion.¹⁶⁵ In North Carolina, the *Raleigh Standard* paraphrased Adams on the exemption, noting his desire to multiply slaveholders in order to strengthen the institution.¹⁶⁶ The *New Orleans Bee* printed an article, with quotations, and said Adams favored exemption “to multiply the number of slave-owners and increase the interest” in slavery.¹⁶⁷ Alabama’s *Mobile Register* wrote that the motive behind slave exemption was “to make every man a slaveholder and gain support for the institution from motives of interest.”¹⁶⁸ The rural *Hinds County Gazette* in Mississippi informed readers that Adams favored slave exemption “to increase the value of the institution.” Texas’s *Austin State Gazette* used the same phrase when it subsequently printed a notice of Adams’s message.¹⁶⁹ Within weeks, this far-reaching coverage ignited a regional debate on the slave exemption proposal and the position of nonslaveholders in the South.

Proponents of slave exemption enjoyed an initial advantage, for the *Delta* and Governor Adams had enunciated a persuasive rationale for the measure. Editorial supporters of the measure followed the broad outlines established by the two, while adding their own particular twists and emphases. Most important, editors who favored slave exemption almost uniformly emphasized its alleged ability to bring nonslaveholders into the ranks of slave owners. A Montgomery newspaper advocated it because “every effort must be made” to strengthen slavery, “by increasing the number of those directly interested in its preservation.”¹⁷⁰ The *Richmond Enquirer* said it “would

¹⁶⁵ “South Carolina—Gov. Adams Message,” *Augusta Chronicle and Sentinel*, November 27, 1856; “South Carolina,” *Washington National Intelligencer*, December 1, 1856; *Baltimore Sun*, November 28, 1856.

¹⁶⁶ “South Carolina,” *Raleigh Semi-Weekly Standard*, December 3, 1856.

¹⁶⁷ “South Carolina—Governor Adams’ Message,” *New Orleans Bee*, December 1, 1856. The *Bee* had no opinion on exemption but said Congress would never allow reopening of the slave trade.

¹⁶⁸ “South Carolina Legislature,” *Mobile Register*, December 3, 1856.

¹⁶⁹ *Columbia South Carolinian* in *Raymond Hinds County Gazette*, December 17, 1856; “Our Southern States, South Carolina,” *Austin State Gazette*, March 28, 1857.

¹⁷⁰ [Weekly] *Montgomery Advertiser and State Gazette*, November 26, 1856.

make it in the interest of every person in the community to identify his fortunes with the value and safety of slave property,” giving “the institution a far more broad and secure basis of support.”¹⁷¹ An editor in Georgia’s capital wrote: “The great object of the law would be the encouragement of every man of a family to own at least one servant, and thus make every man immediately and directly interested in the institution.”¹⁷² One of the most prolific exponents of the measure, the *Memphis Eagle and Enquirer*, asserted that southern laws “must encourage every citizen to not only become, but remain, a slaveholder.” Slave exemption would do that and so it “must be enacted.” By thus diffusing the ownership of slaves, “the South would be brought together, both in interest and in the social relation.”¹⁷³ A contributor to *DeBow’s Review* wrote: “It will offer to every man among us the strong inducement to become a slave-owner.” In time, under the law, “every man living in a slave State would have an interest direct and abiding, in the existence and the perpetuity of domestic slavery.”¹⁷⁴ Belief in the measure’s efficacy as a means of inducing nonslaveholders to buy slaves was robust, for in 1860, the *Raleigh Standard* claimed: “Let such a law be passed, and by the end of the next decade the number of slaveholders will have doubled [in North Carolina].”¹⁷⁵ The idea of dramatically increasing the proportion of slaveholders in the white population had a strong attraction for editors across the South. Their consistent assertions that such a demographic transformation would create a unity of interest implied a belief, explicitly stated by the *Delta*, that the South lacked such unity.

Slave exemption advocates often neglected to explain how the measure would make slave ownership more attractive to nonslaveholders, but those who did generally followed the claims of the *Delta*. The argument rested on the belief that there were a large number of men who had enough money to buy a slave, but chose not to because of the risk that their bondsman would be

¹⁷¹ “South Carolina Statesmanship—Message of Governor Adams,” *Richmond Semi-Weekly Enquirer*, November 28, 1856.

¹⁷² “Exemption of One Negro from Levy and Sale,” *Milledgeville Federal Union*, December 30, 1856.

¹⁷³ “The Law of Self-Defence—It Must Be Enacted,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 14, 1857.

¹⁷⁴ “Inalienability of Slaves,” *DeBow’s Review* 23 (August 1857): 212.

¹⁷⁵ “Freehold Homestead and Slave Exemption Laws,” *Raleigh Weekly Standard*, March 7, 1860.

seized and sold for debt. Following Adams's message, the *Delta* answered critics of its proposal by clarifying how exemption would "induce numbers to become slaveholders who now own no slaves." The measure would not help those with a "want of means to purchase," only those who had means, but "would rather keep their money and hire servants and rent houses than purchase property . . . that is not secure to themselves, [and] their wives and children."¹⁷⁶ By securing slave property to families, slave exemption would lead them to take the plunge into ownership.

Knowing that the exemption would provide "the chance of saving something from the possible wreck of fortune," claimed the *Richmond Enquirer*, a nonslaveholder would want a slave.¹⁷⁷ One supporter emphasized the importance to a family head of knowing that "he will hold them in trust for his children," in inducing the purchase of slaves.¹⁷⁸ A Georgia newspaper cited one of the reasons assigned for homestead laws, saying that exemption of a slave would keep the insolvent debtor "from despair," and encourage him "to rally and retrieve his fortune."¹⁷⁹ Some proponents argued that nonslaveholders would purchase bondsmen to relieve family members of their customary tasks. A Louisiana newspaper contended poor men would want slaves to help their families and "save them from the performance of those menial offices which best become the inferior race."¹⁸⁰ The *Milledgeville Federal Union* claimed that by diffusing slave owning, exemption would save "many a woman . . . from the labors of the kitchen and the wash tub."¹⁸¹

Such claims were rooted in the distaste for manual labor which infected much of the southern elite and in the fanciful idea that only slaves performed such work in the South. In 1861, for example, Samuel A. Cartwright wrote: "Southern States . . . impose the drudgery work upon the negroes as most able to perform it, instead of making negroes of their wives and daughters, as the

¹⁷⁶ "What the Morning Papers Say," *New Orleans Daily Delta*, December 23, 1856.

¹⁷⁷ "South Carolina Statesmanship—Message of Governor Adams," *Richmond Semi-Weekly Enquirer*, November 28, 1856. See also "Exemption of Slave Property from Sale for Debt," *Jackson Mississippian* in *Panola Star*, January 7, 1857.

¹⁷⁸ "Inalienability of Slaves," *DeBow's Review* 23 (August 1857): 212.

¹⁷⁹ "Exemption of One Negro from Levy and Sale," *Milledgeville Federal Union*, December 30, 1856.

¹⁸⁰ "A Nutshell Argument for Exemption," *Clinton Spirit of the South* in *Montgomery Mail*, December 18, 1856.

¹⁸¹ "Exemption of One Negro from Levy and Sale," *Milledgeville Federal Union*, December 30, 1856.

... abolitionists do.”¹⁸² That claim notwithstanding, many southern nonslaveholders had wives and daughters who performed menial labor on behalf of their families. Those men would not have liked to hear that their families did work fit only for slaves, and that by undertaking it, became “negroes.”¹⁸³

Supporters of slave exemption openly admitted their fears that the Republican party could exploit class distinctions in the South. The *Montgomery Advertiser* found it “astonishing” that slavery remained strong despite “how few the number of slaveholders is.” It noted: “Abolitionists have seized upon this fact, and . . . have endeavored to produce an Abolition feeling among non-slaveholders in the South.” Those efforts had failed so far, but the future teemed with dangers. In a phrase that helps to explain the violent southern reaction to Hinton Helper, the *Advertiser* feared “there is danger that an artful demagogue might excite discontent and dissatisfaction” among nonslaveholders.¹⁸⁴ In Virginia, the *Richmond Enquirer* declared: “The disproportion of numbers between the slaveholders and the non-slaveholders of the South, gives the Abolitionists plausible reason to anticipate the ultimate success of their enterprise.”¹⁸⁵ During the 1856 presidential campaign, it maintained that a Republican administration would use federal patronage to win over nonslaveholders and peacefully attack slavery. “Efforts will be made,” the *Enquirer* warned, “to draw a marked line between the slaveholding and non-slaveholding classes, by confining the powers of government to the latter.” It predicted: “Non-slaveholders will find themselves the sole recipients of Executive patronage, and the eye of man hath not seen the joys . . . prepared for such of them as may become anti-slaveholding.”¹⁸⁶ Mississippi’s most powerful newspaper, the *Jackson Mississippian*, said the state legislature must support the exemption:

¹⁸² “Hereditary Descent; or, Depravity of the Offspring of Polygamy among the Mormons,” *DeBow’s Review* 30 (February 1861): 213.

¹⁸³ For a constructed discussion between a slaveholder and a nonslaveholder that touches this point, see William W. Freehling, *The Road to Disunion*, 1:46–47.

¹⁸⁴ [Weekly] *Montgomery Advertiser and State Gazette*, November 26, 1856.

¹⁸⁵ “South Carolina Statesmanship—Message of Governor Adams,” *Richmond Semi-Weekly Enquirer*, November 28, 1856,

¹⁸⁶ “The Crisis—Position of the South if Fremont be Elected,” *Richmond Enquirer*, n.d. Clipping in Pettigrew Papers, Scrapbook, NCDAH.

It is the duty of our law-makers to . . . diminish as much as possible the disproportion in the number of slaveholders and non-slaveholders. It is an argument of the abolitionists that a great disproportion exists; and that, therefore, the South has within herself the elements of her own weakness.

It argued that slave exemption would cause “abolitionists” to be “deprived of this appeal and of the encouragement it gives them.”¹⁸⁷ This rationale won the attention of editors who had not made up their minds on the issue. Calling slave exemption “a subject worthy of consideration,” the *Nashville Union and American* noted proponents’ claim that it “would have the tendency to diffuse the institution of slavery among the present non-slaveholders . . . thereby avoiding the inroads which abolitionism is seeking to make among that class.”¹⁸⁸ The ubiquity of this claim that slave exemption would blunt abolitionists’ emphasis on the numerical disparity between slave owners and nonslaveholders shows that the southern elite was profoundly concerned that men without slaves felt little reason to protect the institution.

The *Memphis Eagle and Enquirer* was particularly candid in discussing the potential for class conflict. From its “reading of Northern sentiment” during the 1856 campaign, it determined that “Northern policy goes upon the assumption that the non-slaveholders of the South, from interest, are hostile to slavery.” Republicans, working on that assumption, would attempt “to enlighten this portion of the people,” and turn them against slavery. The newspaper revealed that laws against antislavery expression in the South were intended to keep such ideas from reaching nonslaveholders, as well as the slaves such prohibitions were putatively meant for. It warned: “In view of the determination of the South to exclude incendiaries and incendiary literature from among its people, it has been resolved by the enemies of slavery to reach our non-slaveholding population, at all events.” Those enemies would use congressional speeches, pamphlets, and newspapers to transmit their antislavery message, with the peaceful abolition of slavery as their

¹⁸⁷ “Exemption of Slave Property from Sale for Debt,” *Jackson Mississippian* in *Panola Star*, January 7, 1857.

¹⁸⁸ “Slave Emancipation—A New Question,” *Nashville Union and American*, January 11, 1857. In this article, it reprinted a piece from the *Richmond Whig*, which argued that exemption would diffuse slavery and “deprive our enemies at the North of an argument constantly employed by them against us.”

goal. The *Eagle and Enquirer* described the endgame: “[T]he non-slaveholding mind of the South will be reached, enlightened and directed thro’ the ballot-box to the extinguishment of the hated institution of negro slavery.” That assertion, six months before publication of Hinton Helper’s *The Impending Crisis*, helps to explain the South’s hysterical reaction to the book. While most exemption proponents implied the possibility of class divisions, the *Eagle and Enquirer* openly admitted their existence. Of the Republican assumption that nonslaveholders were hostile to slavery, it conceded, “to some extent, it may be [true].” Class division between slaveholders and nonslaveholders in the South did exist:

There is, between these classes of our people, no very great identity of interest or bond of sociality. Notoriously the slaveholder holds himself a little above the non-slaveholder. There is a social distinction, and it is useless for the statesmen of the South to expect its concealment.¹⁸⁹

This condition had always existed in the South, but the Republican party’s plan to exploit those differences necessitated action to protect slavery. The newspaper demanded: “The safety of the South and of the institution of slavery requires that the distinction should be abolished.” It issued a warning to southern lawmakers, telling them state laws “must be so shaped that, in the course of a few years, the whole people of the South can be *relied upon* to protect its institutions . . . in any emergency.”¹⁹⁰ Like the *Delta*, it believed that a majority of the southern white population, which owned no slaves, could not be counted on in a crisis. Moreover, entire regions of the South were suspect because they lay outside the slave economy:

There are, in the Southern States, large districts in which the face of a negro is rarely seen. These districts are generally densely populated by robust, healthy men, who have now no very great interest in slavery, and who, probably, in case of civil war growing out of the negro question, could not afford to leave their wives and children at home, while they went off to fight the slaveholders’ battles.

¹⁸⁹ “The Law of Self-Defence—It Must Be Enacted,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 14, 1857. In promoting slave exemption, the *Richmond Enquirer* put slave owners above nonslaveholders, describing an owner’s slave as “a symbol of superiority.”: “South Carolina Statesmanship—Message of Governor Adams,” *Richmond Semi-Weekly Enquirer*, November 28, 1856.

¹⁹⁰ “The Law of Self-Defence—It Must Be Enacted,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 14, 1857.

The *Eagle and Enquirer* concluded that “slavery needs strengthening at home,” a goal best met by the “general diffusion among the people” of slave property. “There is . . . certainly only one way to consolidate the interests of the Southern people, and unite them in sentiment,” it argued, and that was to bring nonslaveholders into the fold.¹⁹¹ The Republican claim that nonslaveholders had no interest in defending slavery alarmed the *Eagle and Enquirer* and other supporters of slave exemption because they believed it to be true.

Proponents of slave exemption were guided by a view of human nature which placed remorseless self-interest at the apex of motivation. Only the pecuniary interest conferred by the direct ownership of a slave, they maintained, secured an individual’s allegiance to slavery. The *Richmond Enquirer* claimed that protecting slavery “is the concern of every individual,” but it lacked conviction. “The fact is too remote from ordinary observation,” it worried, “to resist the effect of the specious argument which the Abolitionists address to the prejudices and passions of the non-slaveholding class.” All the proslavery arguments of the preceding twenty-five years were less important than simple materialism. “For the stability of the institution,” the *Enquirer* contended, “one negro in the possession of a poor family, is worth all the logic of Bledsoe and all the learning of Fletcher.”¹⁹² A slave “is personal property, and the owner will fight for its security.”¹⁹³ In 1857, a writer identified only as “A Floridian,” emphasized “the springs or fountains of human actions.” Calling for a slave exemption law just before South Carolina’s legislative session in 1857, he quoted John C. Calhoun: “[M]an . . . is . . . so constituted as to feel more intensely what affects him directly than what affects him indirectly through others.” The

¹⁹¹ “Extension of Slavery at Home,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 20, 1857. Also reprinted in the *Charleston Mercury*, January 27, 1857.

¹⁹² Albert Taylor Bledsoe and John Fletcher were proslavery writers. Bledsoe authored *An Essay on Liberty and Slavery*, published in 1856; Fletcher wrote *Studies on Slavery, in Easy Lessons*, published in 1852.: William Sumner Jenkins, *Pro-Slavery Thought in the Old South* (1935; reprint, Gloucester, MA: Peter Smith, 1960), 111, 113, 123-124, 204, 226, 297, 317, 320.

¹⁹³ “South Carolina Statesmanship—Message of Governor Adams,” *Richmond Semi-Weekly Enquirer*, November 28, 1856.

conclusion he drew was that nonslaveholders could not entirely be trusted on the main issue. “A Floridian” concluded:

While it must be admitted that the interests of the slaveholders and non-slaveholders of the South . . . produce very nearly an identity of interest and feeling with regard to the institution of slavery—it is very certain, from that constitution of man above described, that the institution would be strengthened and fortified by its general diffusion among all classes of our population.

This view dismissed all other influences, including religion, family ties, patriotism, racism, and loyalty. On the basis of his idea that “self-interest is the ruling passion of the human mind,” the author wrote: “If we propose, therefore, to enlist the sympathies and secure the co-operation of our fellow-men, we must make *our* interests *his* interests, and *vice versa*.”¹⁹⁴ In truth, however, the transaction would have been one-sided, with nonslaveholders being co-opted by entering the slave owning class. The *Memphis Eagle and Enquirer* believed in the primacy of self-interest, arguing that it was imperative to bring nonslaveholders into the fold. It wrote:

It is not enough to identify a man’s cold sentiments with yours. You must connect him with you by the stronger and infallible bond of interest. You must mingle your streams of interest in one and the same channel, that they may flow together into the gulf of one destiny. Otherwise you cannot fix his fidelity to you.

Nonslaveholders’ support for slavery rested on an uncertain foundation. In words that could have been the motto for slave exemption, the newspaper said: “We mean not to question the loyalty of the Southern non-slaveholder’s sentiments to the institutions of his section. We mean that that sentiment should be fixed unalterably by . . . interest.”¹⁹⁵ For proponents of the exemption, self-interest reigned supreme, and sentiment alone would not ensure nonslaveholders’ support. A slaveholding class which had long condemned ‘Yankees’ for their allegedly cold calculation of self-interest ascribed the same motivation to its neighbors.

Despite the vast scope of their stated ambition to make every white family head a slave owner, supporters of slave exemption characterized the measure as a conservative accretion to

¹⁹⁴ “Exemption of one Slave from Execution,” *Charleston Mercury*, November 18, 1857.

¹⁹⁵ “Extension of Slavery at Home,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 20, 1857.

existing homestead laws. A Louisiana newspaper, the *Spirit of the South*, said: “We are not endeavoring to inaugurate a new policy, but simply giving completeness to one which has long obtained, and . . . has secured an unusual share of public approbation.” Echoing lawmakers who called for a slave exemption in the early 1850s, it asked why slave property should “be alone omitted” from the list of protected items. Slaves, it implied, were as important as the homestead: “If . . . humanity revolts at the thought of driving the helpless family from the little tract upon which they live, does it not equally revolt at the idea of taking from them the one slave whose presence is essential to its cultivation?” That question ignored the fact that a slave was not essential to cultivating land, for the nonslaveholding majority was able to sustain itself without the benefit of slave labor. It also highlighted the effort of slave exemption proponents, beginning with the *Delta*, to place human property on a level with the homestead. Alluding to one of the main reasons for homestead laws, the *Spirit of the South* asked: “If society is strengthened by the general distribution of land, will it not be still more strengthened by the general diffusion of that peculiar property?”¹⁹⁶ As landowning vested the individual with a stake in society and led to responsible behavior, so slaveholding would give a stake in slavery and ensure support of the institution. The *Eagle and Enquirer* maintained that, just as men owning land were more “devoted to the landed interest,” slave owners would be more true to slavery.¹⁹⁷ “A Floridian” elevated slaves to the level of essential property, arguing that “policy, not less than humanity, should oppose the idea of stripping an unfortunate citizen of every facility for the restoration and improvement of his condition.”¹⁹⁸ In support of slave exemption, the *New Orleans Delta* cited Jefferson’s belief that “a permanent proprietorship is essential to true liberty and the dignity of a true republican.” Where Jefferson referred to land, however, the *Delta* meant owning a slave.¹⁹⁹ In 1860, the *Raleigh Standard* posited a false dichotomy between land owners and slaveholders.

¹⁹⁶ A Nutshell Argument for Exemption,” Clinton *Spirit of the South* in *Montgomery Mail*, December 18, 1856.

¹⁹⁷ “Extension of Slavery at Home,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 20, 1857.

¹⁹⁸ “Exemption of one Slave from Execution,” *Charleston Mercury*, November 18, 1857.

¹⁹⁹ “What the Morning Papers Say,” *New Orleans Daily Delta*, December 23, 1856.

It asserted that the legislature's recent passage of a homestead act, "intended to attach our people to the soil by securing a freehold homestead to families," met the needs of "the landed interests." It thus implied that "landed" interests were distinct from slave interests, and that slave owners had been neglected by lawmakers.²⁰⁰ In fact, slave owners could derive benefits from the homestead law, while nonslaveholders were not helped by the exemption of property they did not own. Many supporters of slave exemption characterized slaves, owned by a minority of whites, as an indispensable form of property; moreover, they argued that slave owners had been left out by state laws which protected insolvent debtors.

The concept of slave exemption as humanitarian reform retained currency with some supporters, despite the overwhelming focus on inducing nonslaveholders to purchase bondsmen. Proponents repeated the old claim that exemption would reduce the division of slave families and allow masters to retain particularly loyal or industrious slaves. Use of the humanitarian rationale stemmed more from memory than it did from the arguments made by Governor Adams or his allies. The *New Orleans Picayune*, for example, gave prominence to the older argument when it approved Adams's recommendation:

Accompanied by other measures for the better personal protection of slaves, thus domesticated with every family, it would undoubtedly serve a good purpose, in improving the condition of the slave, and strengthening the social system against the effects of incessant external attack upon the prejudices of our own population, artfully fomented by enemies.

For the *Picayune*, then, the humanitarian element, which Adams failed to mention, was as important as diffusing "slave property among a greater number within the South."²⁰¹ Similarly, the *Nashville Union and American* wrote that exemption was being promoted upon "two-fold ground." First was the central theme of bringing nonslaveholders into the slave owning class. The

²⁰⁰ "Freehold Homestead and Slave Exemption Laws," *Raleigh Weekly Standard*, March 7, 1860.

²⁰¹ "South Carolina," *New Orleans Daily Picayune*, December 4, 1856. The *Picayune* may have retracted its support for the measure by January 1857. Previewing the 1857 session of the Louisiana legislature, it referred to "several subjects of great public interest," including a revision of the Black Code and changing the police system of New Orleans, but it did not mention slave exemption. If the *Picayune* still favored slave exemption, it likely would have pushed the measure at that time.: "Meeting of the Legislature," *New Orleans Daily Picayune*, January 18, 1857.

second, it asserted, was that exemption would “lessen the force” of abolitionists’ “effective appeals to the passions about the cruelty of forced separations of families.” Its emphasis on slave humanity was further demonstrated by the title of the *Union and American’s* column: “Slave Emancipation—A New Question.” Neither of the two editorials which it reprinted under that heading, however, said anything about exemption preventing the division of slave families.²⁰² In *DeBow’s Review*, a contributor who favored exempting all slaves from debt claimed they would become more attached to their owners, knowing they would always remain with the same family. Slaves’ “feelings of security, of dependence, of reliance, and attachment will be fostered to the fullest extent.” That argument rested on the myth of slaveholders being reluctant to sell their human property unless compelled to do so. The author further claimed that exemption would “take from our enemies the strongest appeal,” which impressed “those who do not understand the facts”: the separation of slave husbands and wives, and parents and children, at public sales. For that writer, the concessions to slave humanity were important only insofar as they enhanced the loyalty of bondsmen to their masters or weakened antislavery critics.²⁰³ While he said exempting slaves would “accord with every feeling of humanity,” “A Floridian” focused on how the measure would allow slave owners to pose as paternalistic masters. He claimed it “may afford a man the rights of reserving, for protection and reward, a slave who has nursed and served him in infancy, childhood and youth, and participated, perhaps, with loyal attachment, in all the vicissitudes of an eventful life.” Nothing was said of family connections among slaves; only the master’s feelings for his human property mattered. A Floridian underscored the notion of slave owners’ reluctance to sell their bondsmen, asserting: “Many of us own slaves whom money could not purchase or entice from our service.”²⁰⁴ Virginia author George Fitzhugh also extolled the fact that exemption would allow masters to keep their favorite slaves. In 1859, he wrote: “The entail

²⁰² “Slave Emancipation—A New Question,” *Nashville Union and American*, January 11, 1857. The two editorials were clipped from the *Memphis Eagle and Enquirer* and the *Richmond Whig*.

²⁰³ “Inalienability of Slaves,” *DeBow’s Review* 23 (August 1857): 212.

²⁰⁴ “Exemption of one Slave from Execution,” *Charleston Mercury*, November 18, 1857.

of slaves has virtually begun, by exempting part of them from execution for debt. The great attachment of master to slave, makes the entail policy popular at the South.”²⁰⁵ That claim was incorrect, for, after Governor Adams’s message in 1856, proponents of slave exemption almost exclusively touted the measure as a means of bringing nonslaveholders into the fold. The few who continued to describe it as humane reform only highlighted the fact that their argument had been superseded by one derived entirely from elite distrust of nonslaveholders.

Proponents of slave exemption argued that the measure enjoyed great public support and could be quickly enacted in the South. One reason for the popularity of slave exemption was that it promised to effect a diffusion of slaveholding without the complications involved in reopening the African slave trade. The *Montgomery Advertiser*, for example, remarked: “This is a measure simple and practical; entirely within our power; the opening of the slave trade will be attended with difficulties and delay.”²⁰⁶ A state legislature could simply pass a law exempting slaves from debt; reopening the slave trade would require northern approval and invite conflict with European powers. Supporters further argued that such legislation would be the only proper response to public demands. The *Jackson Mississippian* extravagantly declared: “There is no measure which has been received with more approbation in the South than the proposition to exempt a portion of negro property from sale for debt.”²⁰⁷ The *Memphis Eagle and Enquirer* called on lawmakers to “follow public opinion” by passing a law.²⁰⁸ It went so far as to contend that “this movement originated with the people,” saying the press had been “cotemporaneous,” and merely “spoke the voice of the people and reflected their will.”²⁰⁹ There is no evidence to support this claim of a

²⁰⁵ “Entails and Primogeniture,” *DeBow’s Review* 27 (August 1859): 177. In keeping with his reputation as a maverick, Fitzhugh used the older term *entail* in preference to *exemption*. On page 176 of this article, he asked: “What are . . . homestead exemption laws, and a hundred other exemption laws . . . but entails in disguise?”

²⁰⁶ [Weekly] *Montgomery Advertiser and State Gazette*, November 26, 1856. Like the *New Orleans Daily Delta*, the *Advertiser* supported reopening, and described Adams’s recommendations on exemption and the slave trade as “most wholesome suggestions.”: “Message of Gov. Adams, of South Carolina,” [Weekly] *Montgomery Advertiser and State Gazette*, December 3, 1856. Many champions of the slave exemption, however, either argued or implied that it alone could increase the proportion of slaveholders without any reopening of the trade.

²⁰⁷ “Exemption of Slave Property from Sale for Debt,” *Jackson Mississippian* in *Panola Star*, January 7, 1857.

²⁰⁸ “Extension of Slavery at Home,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 20, 1857.

²⁰⁹ “The Truth Prevailing,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, February 14, 1857.

grassroots movement in support of slave exemption, either in newspapers, petitions, or private correspondence. The only petition favoring slave exemption was submitted to the Virginia legislature in 1859, at the behest of a wealthy planter.²¹⁰ The main impetus for slave exemption came from South Carolina's Governor Adams, a rich slaveholder, and the *New Orleans Delta*. Furthermore, slave exemption champions argued that any measure designed to strengthen slavery should receive legislative support. Impatient with opponents, the *Mississippian* wrote: "The paramount consideration is 'will it strengthen and fortify the institution which constitutes the basis of the social and political organization of the South?'" All other issues, it argued, were "subordinate" to strengthening slavery.²¹¹ In the *Charleston Mercury*, "A Floridian" said exemption would "sustain an institution which has become so interwoven with the structure of society as to be absolutely essential to the prosperity and happiness of the Southern people." Asking why slave property should "be encouraged more than any other species of property," he answered:

[B]ecause it is *against* this species of property more than any other, that the prejudices and hostility . . . of the Northern States . . . are incessantly directed. It is because . . . the slaveowner is daily threatened with the power and vengeance of the fanatics of the Free States. . . . It is because of the continued aggressions on the rights of slaveowners.²¹²

In short, slave property must receive privileged treatment in order to sustain the rights and the power of slaveholders. The state should pass laws to induce men to own slaves to further a property interest which proslavery propagandists conflated with southern prosperity in general. Although proponents of slave exemption implicitly conceded that slavery provided benefits only to slave owners, they insisted that all of society bear the brunt of its support.

The real debate over slave exemption began in late December 1856, with the appearance of editorial opposition to the measure. At first, the novelty of the rationale for slave exemption

²¹⁰ The petition is discussed in Chapter Three of this dissertation.

²¹¹ "Exemption of Slave Property from Sale for Debt," *Jackson Mississippian* in *Panola Star*, January 7, 1857.

²¹² "Exemption of one Slave from Execution," *Charleston Mercury*, November 18, 1857. The *Spirit of the South* wrote that because slavery was "most fiercely assailed from abroad," it "most needs to be fortified at home.": "A Nutshell Argument for Exemption," *Clinton Spirit of the South* in *Montgomery Mail*, December 18, 1856.

and the fact that it was promoted as a means of strengthening slavery blunted opposition, but an interim of several weeks allowed its emergence. Critics pointed out flaws in the reasoning behind the proposal and argued that it would not effect what its proponents intended. While a majority of these critics were Opposition newspapers, they were joined by enough Democratic organs to give the dissent a bipartisan cast. In January 1857, the *New Orleans Delta* complained: “We are surprised to see the opposition . . . from Democratic journals in the South.”²¹³ Several critics admitted that supporters of the measure had carried the day and that their arguments seemed valid at first. The *Baton Rouge Advocate* conceded that “advocates of a law exempting one or more slaves . . . have had their argument all their own way.” Their rationale was “plausible, if not convincing,” but certainly not “unanswerable.” It summarized events since the *Delta*’s first editorial: “Many have jumped to the conclusions arrived at by the originators of the measure without any consideration of its negative side.”²¹⁴ The *New Orleans Crescent* argued that, while the arguments for exemption “possess a large amount of plausibility at the first blush,” they “will not bear investigation.”²¹⁵ In Georgia, the *Columbus Enquirer* regretted that “most of the manifestations of public opinion on this proposition are in its favor,” for it believed “neither any principle of equity and sound morality,” nor any weakness of slavery, justified such a law.²¹⁶ Despite a late start, opponents of the slave exemption presented several cogent objections to the measure and slowed its momentum.

Opponents of the slave exemption argued that supporters were promoting it exclusively as a means of diffusing slavery and focused most of their criticism on that point. The *New Orleans Crescent* wrote that strengthening slavery by “a more general diffusion of slave property among all classes” formed “the ground-work of all the argument we have yet read” in support of the measure. It contended that exemption would not have that effect, and if enacted, “its tendency

²¹³ “Negro Exemption,” *New Orleans Daily Delta*, January 28, 1857.

²¹⁴ “Slavery Exemption Laws,” *Baton Rouge Advocate* in *New Orleans Daily Crescent*, December 27, 1856.

²¹⁵ “Slavery Exemption,” *New Orleans Daily Crescent*, January 12, 1857.

²¹⁶ “Exempting Negroes from Execution,” *Columbus Enquirer*, February 7, 1857.

will be to restrict, instead of diffusing slavery—thus destroying the only argument brought to bear in favor of this project.”²¹⁷ Another Louisiana newspaper, the *Abbeville Meridional*, discussing a slave exemption bill introduced in the state legislature, claimed it was meant to make it “in the interest of all to have at least one slave, and thereby strengthen the hold of slavery upon the people.” It objected that enacting a law would be “a tacit admission to Northern abolitionists that slavery must be in a sinking condition with us, when we have to legislate it into the affections of our citizens.” The *Meridional* was correct: exemption proponents thought slavery was endangered and they hoped to alleviate the numerical disparity between slave owners and nonslaveholders with legislation. Unlike those proponents, the *Meridional* believed: “Slavery needs no such bolstering.”²¹⁸ In Georgia, the *Columbus Enquirer* maintained that the “chief argument” for exemption was “that it will strengthen the institution of slavery by making more slaveholders.” The argument, it wrote, rested on a false premise: “That the non-slaveholders of the South are less firm and reliable in defending the institutions of the South than the slaveholders themselves.”²¹⁹ A second Georgia newspaper, the *Augusta Chronicle and Sentinel*, described the reasoning behind exemption: “That men who do not own slaves, will hasten to possess themselves . . . and will thus become secured to the support of the institution.” Like others, it said the idea rested on untenable assumptions: “[F]irst, that the institution is weak; and secondly, that all who do not own slaves are natural enemies to it.” The second assumption, it asserted, did an injustice to slave owners and nonslaveholders. Slave owners “are wronged by the implication that their cause is so bad that none but the interested will sustain it,” while nonslaveholders, it said, were deemed “without sense, without natural instincts, without good will or fidelity to their fellow-citizens.” The newspaper strongly implied that public discussion of such ideas was dangerous to the South.²²⁰

²¹⁷ “Slave Exemption,” *New Orleans Daily Crescent*, December 22, 1856. A few weeks later, the *Crescent* reiterated its interpretation of proponents’ fixed idea, saying their argument “embraced only a single proposition. . . . to strengthen the institution . . . by increasing the number of slaveholders.”: “Slavery Exemption,” *New Orleans Daily Crescent*, January 12, 1857.

²¹⁸ *Abbeville Meridional* quoted in “Slave Exemption,” *New Orleans Daily Crescent*, February 17, 1857.

²¹⁹ “Exempting Negroes from Execution,” *Columbus Enquirer*, February 7, 1857.

²²⁰ “The Negro Exemption,” *Augusta Daily Chronicle and Sentinel*, February 8, 1857.

The *Texas Republican* criticized proponents' argument that it was necessary to make "a much larger number" of southern whites "directly interested in the protection and preservation" of slavery.²²¹ After Governor Adams's message thrust slave exemption into the regional spotlight, critics recognized that supporters of the measure believed nonslaveholders to be inherently suspect in their loyalties.

Opponents of the exemption contended that without an additional supply of bondsmen, the measure would raise the barrier to slave ownership by increasing their price and by keeping some off the market. The *Columbus Enquirer* said it would "enhance somewhat the value of slave property by withdrawing from sale a portion of those liable to execution," making it harder for "men of limited means" to purchase a slave. Debt sales were an important part of the domestic slave trade, and restricting them would have ossified the class structure. As the *Enquirer* said, exemption "might prevent some . . . embarrassed owners from being stripped entirely of their slaves," but only by making it harder for nonslaveholders to purchase. It rejected that trade-off, asserting: "To interest all classes of the community in the preservation . . . of any particular species of property, it should be left . . . within the acquisition of all."²²² The *New Orleans Crescent* predicted exemption would make "slave property still more exclusive property than it now is." Because exempting slaves would increase demand for them, their price would increase. The *Crescent* posed a difficult question: "How would the poor Southerner, who is now unable to raise money enough to purchase a slave . . . be enabled to purchase . . . when the institution is surrounded by . . . protections . . . which tend to the advancement of the value of slaves?" This was a powerful and unanswerable objection to the argument for slave exemption. The type of demographic change desired by its supporters required an influx of slave labor for which there was no readily available source. The *Crescent* mocked proponents: "The head which evolved the idea of diffusing slavery . . . by establishing laws which can only make slaves more valuable and

²²¹ "Slave Exemption," *Marshall Texas Republican*, February 7, 1857.

²²² "Exempting Negroes from Execution," *Columbus Enquirer*, February 7, 1857.

difficult of obtainment, is worthy to wear the helmet of Don Quixote!”²²³ Slave exemption’s promise of making every head of a family into a slaveholder, opponents charged, was a chimera.

If the supporters of exemption really hoped to diffuse slavery, critics argued, they would have to face some unpleasant choices. The *Columbus Enquirer* warned that only reopening the African slave trade would facilitate the entry of thousands of nonslaveholders into the slave owning class. The newspaper asserted:

It appears to us rather singular and inconsistent, that those who advocate the exemption on this plea of its diffusing slavery, have generally opposed and harshly denounced the proposition to re-open the African slave trade, which, more than anything else, would tend to diffuse slavery among all classes of the Southern people and increase the number of slaveholders.²²⁴

While it overlooked the fact that some of the foremost supporters of exemption, including the *New Orleans Delta* and Governor Adams, did favor reopening, the *Enquirer* made an important point. Many proponents of exemption believed it would reduce the class imbalance and effect diffusion on the cheap. The *Enquirer* endeavored to show that a transformation of the southern class system could not be achieved easily. Short of reopening the African trade, the diffusion of slavery could only be achieved by redistributing slaves from planters to nonslaveholders. The *New Orleans Crescent* noted that “large slaveholders never sell,” but were instead “continually augmenting their force.” Referring to those planters, it concluded: “From them, and them alone, the ‘diffusion’ so much talked of must come, if it comes at all.”²²⁵ That raised the specter of an agrarian movement against large slave owners, in which nonslaveholders might seek to impose statutory limits on the number of slaves one person could own so that they, too, might enjoy the benefits of slaveholding. A Texas newspaper was quite explicit: “No sort of legislation short of a division by those owning large forces with others having none, would give the slaveholders a

²²³ “Slave Exemption,” *New Orleans Daily Crescent*, December 22, 1856. The *Crescent* continued to emphasize this point in attacking the proposal. In January 1857, it wrote: “An exemption law would not, certainly, reduce the price of slaves, or enable the poor man, now unable to purchase a servant, to obtain one when special legislation had rendered that kind of property to a certain extent exclusive.”: “Slavery Exemption,” *New Orleans Daily Crescent*, January 12, 1857.

²²⁴ “Exempting Negroes from Execution,” *Columbus Enquirer*, February 7, 1857.

²²⁵ “Slave Exemption,” *New Orleans Daily Crescent*, December 22, 1856.

majority.²²⁶ In 1860, North Carolina's *Greensboro Patriot* humorously suggested a redistribution of bondsmen in an article on slave exemption:

We don't believe that there are slaves enough in the State to give every family one. Nor do we believe that our large slaveholders in the East will be willing to divide out with the West, and leave themselves with only one buck negro, to cultivate their extensive fields, and do all the milling too.²²⁷

These comments were meant to impress upon slaveholders the real problems associated with the diffusion of slave ownership and warn them against casually supporting slave exemption. In fact, proponents of exemption had denied any agrarian intent from the start. The *Memphis Eagle and Enquirer*, for example, said the diffusion achieved by giving all white men an incentive to become slaveholders would not "despoil the great slave owners of their property for general distribution."²²⁸ It did not say where the additional slaves would come from, an omission that critics identified as a fatal weakness of the scheme.

Several opponents predicted that, while the exemption would not diffuse slavery, it could easily spark class conflict by granting special privileges to slave owners. In Louisiana, which repealed its homestead law in 1853, the *New Orleans Crescent* warned that exempting slaves would "produce discontent among the owners of other property not exempt." The indebted owner of a homestead "will ask himself, whether it is just that his house and lot should be sold for the payment of his debts," while a slaveholding neighbor retained an exempted bondsman. That contrast, it argued, would produce the very class tensions which proponents hoped to forestall:

The houseless ex-house and lot owner would speedily learn to regard the slaveholder as belonging to a privileged class—as being a member of a negro aristocracy—and, after learning, would right quickly be found in the ranks of those opposed to him and his privileged confreres, even to the "bitter end" of destroying the order, and if necessary, the institution itself.

Exemption supporters who claimed the measure would not favor one class over another missed a crucial point: it would have granted slave owners a benefit that nonslaveholders could not share.

²²⁶ "Slave Exemption," *Marshall Texas Republican*, February 7, 1857.

²²⁷ *Greensboro Patriot*, March 9, 1860.

²²⁸ "Extension of Slavery at Home," *Memphis Eagle and Enquirer* in *Montgomery Mail*, January 20, 1857.

In words that explained much of the conflict between those two groups in the antebellum South, the *Crescent* warned: “American human nature. . . revolts . . . at the endowment with extra privileges of any order of men.”²²⁹ In Virginia, which also had no homestead law, a Lynchburg newspaper echoed the *Crescent*’s prediction that nonslaveholding home owners would resent disparate treatment. The *Virginian* maintained: “It would be the worst sort of class legislation that would make their effects amenable for their debts, while the slave of a wealthier man would be exempt.” Slave exemption, it said, “would justly arouse a deep and general discontent with the poorest classes, and do more to awaken a prejudice against slavery than anything we can imagine.”²³⁰ Another editorial critic, the *Brandon Republican*, also said exempting slaves would make nonslaveholders, the ostensible beneficiaries of the measure, into enemies of slavery. “In time and practice,” it would render slavery “obnoxious to the majority who could receive no benefit, but much of unjust detriment by its practical operations.”²³¹ The *Columbus Enquirer* believed passage of an exemption law would form “the entering wedge” to a division between slave owners and nonslaveholders in the South. The measure “would establish a privileged and favored class, against whom the envy and prejudice of many non-slaveholders might be excited.” Moreover, favoring slaveholders with such special treatment, it said, “is anti-democratic and contrary to the genius of our republican institutions.”²³² In 1860, the *Greensboro Patriot* characterized slave exemption in a manner which could have created resentment among its nonslaveholding readers. “This seems to be a sort of protective tariff,” it said, “discriminating in favor of raising negroes.”²³³ These warnings suggest that, while critics objected to proponents’ focus on nonslaveholders’ uncertain loyalty, they too believed members of that class could easily be provoked to turn against slaveholders and their peculiar institution.

²²⁹ “Slave Exemption,” *New Orleans Daily Crescent*, December 22, 1856.

²³⁰ “The Slave Exemption Scheme,” *Lynchburg Virginian* in *Nashville Union and American*, January 25, 1857.

²³¹ *Brandon Republican* quoted in “Slavery Exemption,” *New Orleans Daily Crescent*, January 12, 1857.

²³² “Exempting Negroes from Execution,” *Columbus Enquirer*, February 7, 1857.

²³³ *Greensboro Patriot*, March 9, 1860.

Many critics of the exemption proposal were wary of tampering with the South's class structure, for fear that the nonslaveholding majority would rise up and abolish slavery. They explicitly warned proponents of that possibility and expressed a deep reluctance to even discuss potential class differences. The *Texas Republican* said the reasoning behind the proposal was "as false as it is dangerous." It explained:

This is as much to say, that the non-slaveholding portion of our population are not to be relied on, which we should be very loth to admit, much less to publish to the world. If it were true, we should say at once, that slavery was a doomed institution; for, at the present time, not more than one man in ten in the South, perhaps, is a slaveholder.²³⁴

Southerners needed to display a unified front to an increasingly hostile outside world, and a public debate over class conflict could only be harmful. In Georgia, the *Augusta Chronicle and Sentinel* rejected the plan to bring all whites into the slave owning class: "It is impossible to make all men own slaves. Choice and necessity will always make the non-slaveholders a large, and perhaps the larger part of our citizens." Given that reality, it maintained, discussion of class differences should be minimized. The newspaper wished to avoid sending the wrong message to southern nonslaveholders: "Will their attachment to the cause of slavery be strengthened by legislation that presupposes their hostility to it? . . . Since the distinction must always exist, why give prominence to it, in a manner that must be offensive to the less fortunate class." It also showed reluctance to confirm abolitionists' belief that nonslaveholders were hostile to slavery, asking: "Is it not grossly indiscreet to enable our adversaries to say that the poorer citizens of the South are so disaffected to slavery, that a legislative bribe is needed to attach them to it?"²³⁵ The

²³⁴ "Slave Exemption," Marshall *Texas Republican*, February 7, 1857. The *Republican* underestimated the proportion of white southerners directly interested in slave ownership by overlooking the notion that each member of a slave owner's immediate family should be considered part of the slaveholding population. By multiplying the number of slave owners by the average family size, one finds that the slaveholding proportion of the South's free population was 30.9% in 1850, and 26.1% in 1860. That method of calculation had the approval of contemporary proslavery men like James DeBow, and it has been adopted by modern scholars. See "The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders," *DeBow's Review* 30 (January 1861): 67-68; and Gray, *History of Agriculture in the Southern United States to 1860*, 1:482, table 7.

²³⁵ "The Negro Exemption," *Augusta Daily Chronicle and Sentinel*, February 8, 1857. A Virginia critic made the same point regarding the permanence of nonslaveholders: "A very large proportion of the Southern people if all their worldly goods were converted into money, could not purchase a slave worth having.": "The Slave Exemption Scheme," *Lynchburg Virginian* in *Nashville Union and American*, January 25, 1857.

Columbus Enquirer advised against laws which might hamper white unity, arguing “the creation of *classes and diverse interests* . . . is precisely the condition of things which the South ought sedulously to shun.”²³⁶ Finally, the *New Orleans Crescent* reminded exemption supporters of a fact of which they were too well aware:

It would be well for the advocates of slave exemption to remember that right here, in the State of Louisiana, a majority of the voters are non-slaveholders, and that they can, according to universally admitted precepts, whenever so disposed, abolish slavery within the limits of the commonwealth.²³⁷

Those words laid bare the reason for slaveholders’ concern over nonslaveholders’ loyalty: in a democracy, if the majority developed an awareness of their class interest, they could sweep aside the hegemony of a wealthy minority. To a considerable extent, opponents of the slave exemption were as leery of nonslaveholders as its supporters were; what they differed over was the efficacy of bringing a large number of that class into the slave owning fold. Believing large-scale diffusion of slavery to be impossible, these critics preferred that the issue of class conflict in the South be kept under wraps.

A substantial element of dissent from the slave exemption proposal involved opposition to any form of debtor protection. Those who subscribed to this view argued that honest men did everything they could to pay their debts, that exemptions led to fraud, and that any protection should be granted only for humanitarian reasons. Shortly after Governor Adams’s message, the *Greenville Patriot and Mountaineer* objected: “Let every man pay his honest debts, as far as he has the means, is the true policy of all States.”²³⁸ The *Knoxville Whig* called slave exemption “a means of encouraging men to own slaves and defraud creditors.”²³⁹ A Texas newspaper stated its uncompromising attitude: “We are opposed not only to negro exemption but to every species of exemption which will keep a man from paying his honest debts.” It would concede only that the

²³⁶ “Exempting Negroes from Execution,” *Columbus Enquirer*, February 7, 1857.

²³⁷ “Slave Exemption,” *New Orleans Daily Crescent*, December 22, 1856.

²³⁸ “Editorial Correspondence,” *Greenville Patriot and Mountaineer*, November 27, 1856, in Benjamin Franklin Perry Scrapbook, c.1832-1879, SCL.

²³⁹ “The Southern Convention,” *Knoxville Whig*, December 20, 1856.

homestead law “*may* perhaps be a salutary enactment.”²⁴⁰ In 1859, the editor of another Texas paper, the *Southern Intelligencer*, condemned an author’s support for the slave exemption, arguing: “Should he exempt every negro in the land, few men would be so dishonest as to own them when pressed down by debt.”²⁴¹ Those newspapers willing to admit the efficacy of some debt exemptions wanted to restrict their application. The *Columbus Enquirer* maintained:

Exemptions of any kind are but necessary exceptions and evils—their justification rests solely in a dictate of humanity, which protests against permitting the creditor to strip from his debtor a limited schedule of the necessities of life which the present comfort of the family of the latter may require.²⁴²

It encapsulated the traditional view of debt exemption as a means of allowing families to have the bare necessities required for shelter and subsistence. Were slaves, as proponents of their exemption implied, among the forms of property essential to a family’s survival? The *Augusta Chronicle and Sentinel*, which also thought exemptions should apply only to “a little property supposed to be necessary for the sustenance of the debtor’s family,” did not think so. It boldly declared: “Nobody pretends that a negro comes within this description. Thousands of families in this State do without one, and live comfortably. They may indeed live plainly, but this fact is no impeachment of their respectability or worth.” The *Chronicle and Sentinel* broke through the proslavery façade which presented slaveholding as the normative condition of southern whites. If thousands of Georgia nonslaveholders could survive without a bondsman, so could indebted slave owners. It developed the point further, arguing “honest men will pay their debts,” and sacrifice all of their property, “except what is necessary” to their family. Slaves were not necessary, so “none but the dishonest would avail themselves of the proposed exemption.” Moreover, the *Chronicle and Sentinel* implied that rather than being a necessity, slaves merely allowed masters to avoid hard work. It predicted one result of slave exemption: “An insolvent debtor living in idleness on

²⁴⁰ “Slave Exemption,” *Marshall Texas Republican*, February 7, 1857.

²⁴¹ “Editorial Miscellany,” *DeBow’s Review* 26 (February 1859): 236.

²⁴² “Exempting Negroes from Execution,” *Columbus Enquirer*, February 7, 1857.

the labor of a negro, while his creditor is unable to own one, perhaps from the loss of that very debt.”²⁴³ Three years later, the *Greensboro Patriot* drew an unfavorable comparison between North Carolina’s homestead law and the proposed slave exemption. The homestead act, it explained, “was to secure a homestead for the wife and children, that they might have a home to shelter themselves.” In contrast, it argued, slave exemption might enable “a drunken spendthrift husband,” to “live in idleness on the wages of a slave . . . to the entire neglect of his family.”²⁴⁴ It, too, implied that, unlike the homestead, slaves were a luxury which often facilitated indolence on the part of their owners.

A final criticism of slave exemption, offered by members of the Opposition party, was that proponents advanced it for political effect. The *Knoxville Whig* predicted that disunionists at the 1857 Southern Commercial Convention would push for slave exemption, reopening of the African slave trade, and the elimination of all Federal tariffs. Adopting those measures would “lead to a dissolution of the Union,” which was “what those secessionists . . . and fire-eaters are aiming at.”²⁴⁵ Others characterized the proposal as another example of Democrats using slavery to further their partisan interests. The *Shreveport Gazette* complained: “It all appears to us like an affected enthusiasm—a miserable toadyism to Southern rights, and a contest to see who can jump highest, scream loudest, dive deepest and come up driest in vindicating the South and retaliating upon the North.”²⁴⁶ The *Augusta Chronicle and Sentinel* had seen “too many men of doubtful probity very noisy in behalf of Southern Rights.” If they really wanted to help the South, it said, those men would find employment and pay their debts.²⁴⁷ When the *Raleigh Standard* pushed for slave exemption in 1860, the *Greensboro Patriot* mocked its claim that the measure would put slavery on “impregnable foundations.” It sarcastically reminded its readers of the Democrats’ assertion that “the election of Buchanan” in 1856 would secure slavery and the Union. “It seems

²⁴³ “The Negro Exemption,” *Augusta Daily Chronicle and Sentinel*, February 8, 1857.

²⁴⁴ *Greensboro Patriot*, March 9, 1860.

²⁴⁵ “The Southern Convention,” *Knoxville Whig*, December 20, 1856.

²⁴⁶ *Shreveport Gazette* quoted in “Slave Exemption,” *New Orleans Daily Crescent*, February 17, 1857.

²⁴⁷ “The Negro Exemption,” *Augusta Daily Chronicle and Sentinel*, February 8, 1857.

that such is not the case,” the *Patriot* noted, “and that before these foundations can be firmly fixed, one slave in every family must be exempt from execution.”²⁴⁸ For it, and other Opposition newspapers, the proposal to exempt slaves from debt liability was the latest example of the Democratic party exploiting and aggravating the sectional conflict for party advantage.

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The exemption proposal elaborated by the *Delta* and publicized by Governor Adams was a significant departure from existing debtor protection law and from previous attempts to restrict public sales of slaves. Before 1856, homestead and property exemption laws were meant to allow insolvents to continue supporting their families and eventually recoup their fortunes. In keeping with those imperatives, lawmakers consistently exempted only those forms of property deemed essential to survival, while exposing all others to creditors. By calling for the exemption of one slave per owner, Adams and the *Delta* sought to protect a valuable property that the majority of citizens managed to live without. Moreover, the two dramatically revised the argument made in favor of exempting slaves from sale for debt. Earlier proposals rested on the assumption that the disruption of slave families which often resulted from debt sales was inhumane and ought to be prevented when possible. In addition, others who favored the measure simply argued that slave owners should have the option to exempt their bondsmen, in lieu of other property. All of this changed in 1856, when the *Delta* and Adams championed slave exemption as a way to induce nonslaveholders to purchase a slave. Their proposal centered on the belief that only persons with a direct interest in slavery, through ownership, could be trusted to protect the institution. The widespread support given to the idea demonstrated that many southerners joined Adams and the *Delta* in doubting the loyalty of nonslaveholders. Even critics of the measure revealed concern about the potential for class conflict, warning proponents not to draw attention to the economic disparities in their region. The internal decline in the proportion of slaveholders and the growth of

²⁴⁸ *Greensboro Patriot*, March 9, 1860.

an external threat, the Republican party, inspired a proposal which one critic rightly described as “peculiar and distinct from any other property exemption scheme ever tried.”²⁴⁹ Shortly after Governor Adams’s message, the slave exemption proposal left the realm of theory and entered the practical arena of state legislatures across the South.

²⁴⁹ “Slavery Exemption Laws,” *Baton Rouge Advocate* in *New Orleans Daily Crescent*, December 27, 1856.

Chapter Three:

Slave Exemption in Southern Legislatures

In the four years between Governor Adams's message and the election of Abraham Lincoln in November 1860, southern legislators repeatedly tried to enact slave exemption laws in their states. With the possible exceptions of Arkansas and Georgia, lawmakers in every future Confederate state revealed their uncertainty about nonslaveholders by introducing the measure during this period.¹ Proponents brought forward bills written solely for that purpose and tried to amend pending measures to include it. Their efforts usually provided for exempting one slave per owner, but varied on important points like the treatment of a female slave's children and whether owners were required to register their property with the state. The rationale enunciated by Adams and the *Delta* prevailed throughout, and was supported by newspapers and two more governors. While proponents succeeded in Mississippi, and won the imprimatur of the Southern Commercial Convention, they also encountered a good deal of class-based opposition to their scheme. Critics objected to the privilege which slave owners would enjoy and suggested that planters who favored diffusion should donate from their own holdings. The propriety of exempting slaves from debt also entered into the growing debate over the status of free blacks in the South, involving humanitarian considerations and the imperative of making nonslaveholders into slave owners.

From the start, the *New Orleans Delta* favored slave exemption as a measure which could be enacted by any southern state, without involving the federal government. "It would be well to make every white citizen of the South a slaveholder," the *Delta* argued, calling for "legislative sagacity and solicitude" to be directed to that end.² The newspaper raised the subject, in part, to mobilize public support for an initiative already being informally considered by lawmakers. In its

¹ The author has not researched the Arkansas and Georgia legislatures enough to foreclose the possibility that the measure was introduced in those states.

² *New Orleans Daily Delta*, November 19, 1856.

first article on slave exemption, the *Delta* wrote: “The proposition will be introduced at the next session of the Mississippi Legislature, and will be ably supported.”³ When the legislatures of Mississippi and other slave states convened over the winter of 1856-57, the *Delta*’s efforts were rewarded. On November 25, 1856, the day after Governor Adams’s message, the South Carolina legislature took the customary step of referring his recommendations to various committees.⁴ Because Adams discussed the controversial step of reopening the African slave trade in addition to slave exemption, the House committee charged with consideration of the two issues did not report until the next legislative session, in 1857.⁵ Two representatives did not want to wait for the committees to report, and, on the day after Adams’s message, announced their intent to introduce slave exemption bills.⁶ Henry H. Clarke gave notice of a bill to exempt “from sale for debt . . . one slave,” and Albertus C. Spain did the same with a “bill to amend the act to increase property exempt from levy and sale.”⁷ The two evidently agreed to combine their efforts behind Spain’s bill, which he introduced on November 28. It would have taken effect on March 1, 1857, and provided for exempting “to each family one negro slave” from liability for “debts thereafter contracted.”⁸ That interim was a regular feature of exemption law, intended to allow debtors and creditors time to prepare for the change. The bill would have amended South Carolina’s 1851 homestead law. Other representatives did not share Clarke and Spain’s enthusiasm and applied

³ “Negro Exemption,” *New Orleans Daily Delta*, September 25, 1856.

⁴ The Senate referred “so much as relates to the exemption of slaves from sale” to its judiciary committee, and the slave trade went to a “special committee of three.”: *Journal of the Senate of South Carolina, being the annual session of 1856* (Columbia: R. W. Gibbes, 1856), 18-19. The House referred the part of Adams’s message dealing with “slavery and the slave trade,” including the slave exemption, to a special committee of seven.: *Journal of the House of Representatives of the State of South Carolina: Being the session of 1856* (Columbia: n.p., 1856), 52 (hereafter cited as *South Carolina House Journal*, 1856).

⁵ *Report of the Special Committee of the House of Representatives of South Carolina, On So Much of the Message of His Excellency Gov. Jas H. Adams, As Relates to Slavery and the Slave Trade* (Charleston: Walker, Evans & Co., 1857), 53-54. The author could not determine when, or how, the Senate judiciary committee reported.

⁶ Representatives were required to give notice of a bill prior to introduction. “The member desiring to introduce a bill must give notice to the House on the day previous.”: “South Carolina Legislature. Editorial Correspondence,” *Yorkville Enquirer*, December, 18, 1856.

⁷ *South Carolina House Journal*, 1856, 61, 63. Clarke and Spain represented Fairfield and Sumter districts, respectively.

⁸ “A Bill To amend an act entitled An Act to increase the amount of property exempt from levy and sale,” S165001: Acts, Bills, and Joint Resolutions, 1856 Session, SCDH. The act to be amended was South Carolina’s 1851 homestead law.

the brakes to slave exemption. The judiciary committee reported unfavorably, and, on December 18, the House continued the bill over to its next session, in November 1857.⁹ The House preferred to give the measure further examination and await the report of its special committee. It also continued over to the next session a bill to repeal the 1851 homestead act, which had received a favorable report from the judiciary committee.¹⁰

Southern lawmakers introduced slave exemption bills into several other state legislatures during the winter of 1856-57. In Texas, which had a short-lived slave exemption law in 1841, a senator introduced a bill exempting up to five slaves from debt liability. It was eventually tabled without a roll call vote.¹¹ The Texas bill received little attention from newspapers, being alluded to only by the *New Orleans Crescent*.¹² Conversely, the introduction of a bill in Florida won the attention of newspapers across the South. When W. B. Bellamy introduced a bill to exempt one slave from sale for debt, the *Tallahassee East Floridian*, a Democratic newspaper, described it as “the most important legislative measure which has been introduced for the wise consideration of the present General Assembly.”¹³ The bill did not pass, and Florida proponents of the exemption had to try again in 1858 and 1859. Although the bill failed, the *Floridian*’s favorable report of it was reprinted by several editors, creating an air of inevitability around the slave exemption in early 1857. Newspapers in at least five other states reported on Bellamy’s bill, including the *Spartanburg Carolina Spartan*, the *Charleston Mercury*, and the *Yorkville Enquirer* in South Carolina, the *New Orleans Picayune* in Louisiana, the *Nashville Union and American* in Tennessee, the *Louisville Daily Courier* in Kentucky, and the *Marshall Texas Republican* in

⁹ *South Carolina House Journal*, 1856, 94, 152, 284.

¹⁰ *South Carolina House Journal*, 1856, 104, 110, 216, 302; “Unfinished and Continued Business of the last Session of the Legislature,” *Charleston Courier*, January 15, 1857.

¹¹ Campbell, *An Empire for Slavery*, 98.

¹² The *Crescent* noted proposals made “in sundry quarters” to exempt a limited number of slaves, with one being the minimum, “and five the maximum.”: “Slave Exemption,” *New Orleans Daily Crescent*, January 12, 1857. In Texas, the *Marshall Texas Republican* was aware that Mississippi had passed a law, that Florida was considering one, and that Louisiana would discuss a bill. It omitted any mention of the bill introduced into the Texas Senate.: “Slave Exemption,” *Marshall Texas Republican*, February 7, 1857.

¹³ *New Orleans Picayune*, December 31, 1856. Bellamy represented Jefferson County.

Texas.¹⁴ These newspapers either reported the bill's introduction with the comments from the *Floridian*, or simply gave notice of the bill. The *Louisville Daily Courier* added its own thoughts: "It is believed the measure will become a law, and it is beginning to be generally looked upon with favor in Southern States."¹⁵ The initial report in the *Floridian*, reprinted by editors in many other states, made it seem as though slave exemption was being spontaneously discussed across hundreds of miles of territory.

In Mississippi, proponents of slave exemption, with the active support of the Democratic establishment, successfully incorporated the measure into state law. Over the winter of 1856-57, the legislature held a special session dedicated mostly to the onerous task of clarifying and revising the state code. Supporters inserted the provision into an extremely detailed and complex Circuit Court bill, which was itself but one component of the state code. The bill retained the exemption of a homestead and essential property like tools, clothing, livestock, provisions, and work animals. To this humble list of exempted items, proslavery ideologues added one slave and, if a female, her children under the age of six.¹⁶ Their achievement was not the work of a moment, but the culmination of months, if not years, of preparation. Revision of the state code began in March 1854, when the legislature passed an act providing for three commissioners to propose "alterations or amendments" to existing law. The commissioners reported to the legislature in January 1856, and lawmakers acted on several of their recommendations before postponing the balance to December. According to the Revised Code of 1857, the commissioners "prepared such alterations and amendments, and such new laws, as seemed to be demanded by the present circumstances of the State."¹⁷ They believed circumstances called for exempting one slave per

¹⁴ Spartanburg *Carolina Spartan*, January 1, 1857; *Charleston Mercury*, January 3, 1857; "Scraps & Facts," *Yorkville Enquirer*, January 8, 1857; *New Orleans Picayune*, December 31, 1856; *Nashville Union and American*, January 3, 1857 and January 8, 1857; *Louisville Daily Courier*, January 6, 1857; "Slave Exemption," *Marshall Texas Republican*, February 7, 1857.

¹⁵ *Louisville Daily Courier*, January 6, 1857.

¹⁶ *Revised Code of Mississippi*, 528-529.

¹⁷ *Revised Code of Mississippi*, iii. Samuel S. Boyd, Henry T. Ellett, and William L. Sharkey were named commissioners, with William L. Harris subsequently appointed after Boyd resigned. Ellett was a state senator during the 1856-57 session and played a key role in winning passage of the slave exemption.

family from debt liability, and included it in their proposed version of the “Act to establish Circuit Courts, to define their Jurisdiction, and to regulate the practice therein.”¹⁸ Knowing that slave exemption would be debated by Mississippi lawmakers in December 1856, supporters moved to ensure favorable public opinion. As noted above, the *New Orleans Delta* predicted in September 1856 that the measure would be introduced and “ably supported” at the forthcoming Mississippi legislative session.¹⁹ More important was the fact that the *Jackson Mississippian*, the state’s most important newspaper, supported the measure. It printed a detailed and persuasive editorial in favor of slave exemption, and concluded: “We think there is little doubt that some such measure . . . will be adopted at the present session of the Mississippi Legislature.”²⁰ The *Mississippian* spoke for the Democratic leadership, evidenced by the fact that its editor and owner, Ethelbert Barksdale, was also the official state printer.²¹ The influence of Barksdale’s newspaper in the state was attested to by a resident in 1860: “When a scheme is put on foot the *Mississippian* roars and all the little country papers yelp.”²² The *Panola Star* proved the point by reprinting the editorial, recommending it to “the careful perusal of all our readers,” and claiming that “the exemption of one slave . . . would do more to strengthen the institution of slavery in Mississippi, than any other act on that subject.” Moreover, the *Star* pressured legislators, writing “vote for this measure, and you will reflect the wishes of the people of Panola County.”²³

¹⁸ The final version is in *Revised Code of Mississippi*, 471-538. The commissioners’ report does not seem to have survived, but the bill’s progress through the legislature supports the conclusion that a slave exemption clause was contained in their report. Most significant is the fact that Senator Ellett, the only commissioner to serve in this session of the legislature, amended the bill to restore slave exemption after it had been removed by the House. See *Journal of the Senate of the State of Mississippi, At An Adjourned Session Thereof, Held in the City of Jackson, 1856-7* (Jackson: E. Barksdale, 1857), 232, 235 (hereafter cited as *Mississippi Senate Journal, 1856-57*).

¹⁹ “The Negro Exemption,” *New Orleans Delta*, September 25, 1856.

²⁰ “Exemption of Slave Property from Sale for Debt,” *Jackson Mississippian* in *Panola Star*, January 7, 1857. The editorial was well-received by supporters, and reprinted as “Exemption of Slave Property from Sale for Debt,” *Richmond Semi-Weekly Enquirer*, January 27, 1857, and “Exemption of Slave Property from Sale for Debt,” *Charleston Mercury*, January 17, 1857.

²¹ “E. Barksdale” is listed as “State Printer” on the *Revised Code* of 1857; as well as the *Laws of the State of Mississippi*, the *Journal of the House*, and the *Journal of the Senate* from 1856 to 1861.

²² S. S. Fairfield to Stephen A. Douglas, May 19, 1860, cited in Percy Lee Rainwater, *Mississippi: Storm Center of Secession, 1856-1861* (1938; reprint, New York: Da Capo Press, 1969), 129.

²³ “Exemption of Slave Property from Sale for Debt,” *Panola Star*, January 7, 1857.

Despite the preparations of its supporters and the approval of the state's Democratic leadership, passage of a slave exemption law by the Mississippi legislature was achieved with great difficulty. It encountered a series of hostile amendments and was excised by the House, before being restored in the Senate.²⁴ When the Circuit Court bill came before the legislature, it provided for allowing slave owners to exempt one bondsman, in addition to a homestead and the other forms of property specified by state law. This would have allowed slave owners to retain hundreds or even thousands of dollars worth of property in excess of what nonslaveholders could keep. In its Committee of the Whole, the House proposed amending the bill so that family heads could exempt "[\$1,200] of personal property," and others could keep up to five hundred dollars in value.²⁵ Representatives defeated the amendment, returning the House to the list of property, including one slave, proposed by the commissioners. W. H. Tison, from the northeastern part of the state, where nonslaveholders predominated, moved to amend the list by removing "the clause exempting a slave." The House passed his amendment by a vote of 32 to 27, and slaves were deleted from the list of exempted property.²⁶ Proponents of slave exemption made several efforts to include the measure by offering amendments allowing debtors to select the property they would keep. These attempts to incorporate the measure without favoring slave owners all failed and the bill went to the Senate without any provision for masters to exempt their slaves.²⁷ When the Senate took up property exemptions in January 1857, H. T. Ellett, one of the commissioners, moved to amend the bill by exempting one slave, and if a female, her children under twelve. The Senate resoundingly adopted the change, by a vote of 20 to 5.²⁸ It returned the amendment to the

²⁴ Much of this is elaborated below, in an examination of class-based opposition to the slave exemption.

²⁵ *Journal of the House of Representatives of the State of Mississippi, At An Adjourned Session Thereof, Held in the City of Jackson, 1856-7* (Jackson: E. Barksdale, 1857), 194 (hereafter cited as *Mississippi House Journal, 1856-57*). The author concludes that the circuit court bill submitted by the three commissioners included a list of exempt personal property, including one slave, similar to that in the final version of the act; and that the House replaced it with a simpler and more egalitarian provision allowing family heads and others to choose their exempted property, to the values indicated.

²⁶ *Ibid.*, 198-200.

²⁷ *Ibid.*, 200-203, 223-224.

²⁸ *Mississippi Senate Journal, 1856-57*, 232, 234-235.

House, which rejected it by a vote of 44 to 26.²⁹ Their disagreement on the bill led both chambers to create committees on conference to iron out their differences. On January 21, the committees agreed to a change in the Senate amendment and recommended that the revised bill be passed. The House accepted by a margin of one vote, an action which, concurrent with Senate approval, made the exemption of one slave from sale for debt a part of state law.³⁰ Mississippi's Revised Code of 1857 exempted a homestead, a variety of personal property deemed essential to a debtor and his family, and "one slave, to be selected by the debtor if he have more than one; and should such debtor elect to retain a female slave, then all the children of such female under the age of six years shall likewise be exempt, until such children shall respectively arrive at the age of six years."³¹ Proponents of slave exemption had won what they hoped would be the first of many triumphs in slave state legislatures.

Mississippi's action gained the attention of editorial supporters and opponents of slave exemption across the South. Each side viewed the state's adoption of the measure as a significant development in the emerging debate. Much of the coverage focused on the passage, on January 9, 1857, of H. T. Ellett's amendment exempting one slave and the children under twelve of an exempted female slave. The *Jackson Mississippian* reported "a long and interesting discussion of two days," and it printed the text of Ellett's amendment and a roll call.³² Its attention to a single amendment to an extremely complex piece of legislation further demonstrated the *Mississippian's* commitment to slave exemption. Newspapers in Louisiana, Mississippi, Alabama, Texas, and

²⁹ *Mississippi House Journal, 1856-57*, 316-317. Before rejecting the Senate amendment, the House revised it by adding language allowing nonslaveholders to exempt additional property equal in value to one slave.

³⁰ *Ibid.*, 334-335. The change in the bill involved reducing the age of the exempted children of a female slave from twelve to six years; the House agreed to the report by a vote of 35 to 34.

³¹ *Revised Code of Mississippi*, 528-529. The homestead comprised a dwelling, buildings, and up to 160 acres of land, not to exceed \$1,500 in value. Exempt personal property included a mechanic's tools, the agricultural implements of a farmer, a laborer's tools, a student's books, every person's clothing, the libraries of lawyers, doctors, and ministers up to \$250 in value, the arms and accoutrements of persons enrolled in the state militia, a variety of work animals and provisions, one cart or wagon, and household furniture up to \$250 in value.

³² "The Slave Exemption Movement in the Senate," *Jackson Mississippian* in *Fayette Watch Tower*, January 30, 1857.

Georgia reported these facts from the *Mississippian* without comment.³³ Editors who favored slave exemption used the occasion to call for additional legislation. In Mississippi, the *Fayette Watch Tower* declared: “We have long since desired to see slaves entirely exempt from forced sales of any character.” It hoped some representative would move an amendment that would “exempt *all slaves from forced sales!*”³⁴ The *Watch Tower’s* enthusiasm blinded it to the reality in the House, for advocates in the state legislature were hard-pressed to gain the exemption of one slave from sale for debt. Other editors friendly to slave exemption cited the Mississippi law as a basis for further action. The *Marion Commonwealth* labeled it “a move in the right quarter,” and called upon the Alabama legislature to enact a law exempting “at least one slave” from sale for debt.³⁵ In Tennessee the *Memphis Eagle and Enquirer* lauded the action: “Mississippi has taken the lead in giving to this sentiment the force of law. We confidently look for all Southern States to follow.”³⁶ As with the Florida bill, friendly newspapers used the law to create an impression of inexorable momentum for slave exemption. Opponents of slave exemption, such as the *Columbus Enquirer* and the *Texas Republican*, viewed Mississippi’s action with alarm, referring to the law as the foremost example of growing support for the measure.³⁷

In Louisiana, a proponent of slave exemption introduced a bill in the state senate in early 1857. This step was planned in advance, for one month before the legislature convened, the *New Orleans Crescent* noted that several “important subjects” would be considered during the session, including “a Slave Exemption law.”³⁸ The *Crescent* used its knowledge to conduct an editorial

³³ “Slave Exemption in Mississippi,” *New Orleans Daily Picayune*, January 13, 1857; *New Orleans Bee*, January 17, 1857; *Hinds County Gazette*, January 14, 1857; “Slave Exemption in Mississippi,” *Montgomery Mail*, January 31, 1857; “Our Southern States,” *Austin State Gazette*, January 31, 1857; *Augusta Daily Chronicle and Sentinel*, February 3, 1857.

³⁴ “The Slave Exemption Movement in the Senate,” *Fayette Watch Tower*, January 30, 1857.

³⁵ “Exemption of Slaves From Execution and Sale,” *Marion Commonwealth* in *Montgomery Mail*, January 28, 1857.

³⁶ “The Truth Prevailing,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, February 14, 1857.

³⁷ “Exempting Negroes From Execution,” *Columbus Enquirer*, February 7, 1857; “Slave Exemption,” *Marshall Texas Republican*, February 7, 1857. The *Texas Republican* said it had learned of the action “in some one of our exchanges,” underscoring the fact that the *Mississippian’s* account brought the law to the attention of people across the South.

³⁸ “Public Officers—Salaries,” *New Orleans Daily Crescent*, December 20, 1856.

campaign against the measure, employing its own words and reprinting those of other critics to counteract the arguments of the *New Orleans Delta*.³⁹ On January 19, 1857, the first day of the session, Senator G. W. Munday gave notice that he would introduce a bill to exempt one slave from sale for debt. Two days later, he introduced a bill which provided that “one negro slave, to be selected by the debtor,” would be exempt, and, if the slave were female, her children “under ten years of age” would also be exempt.⁴⁰ In addition to being criticized by the Opposition party, Munday’s initiative did not have the entire support of his own Democratic party. While some Democratic newspapers, like the *Spirit of the South*, favored slave exemption, the state’s party leadership did not approve of it.⁴¹ The *Baton Rouge Daily Advocate*, Louisiana’s official printer, initially came out against slave exemption in December 1856.⁴² It also, in the words of the *Delta*, “formally and emphatically condemned the bill of Gen. Munday,” when he introduced it in the Senate. The *Delta* criticized the state’s Democratic party for its opposition to slave exemption. It implied that Munday had bucked party leaders by introducing the bill, saying: “In certain political circles . . . the General [Munday] is severely censured for moving in such a matter, irrespective of the views or interests of his party.” The *Delta* implored lawmakers to understand: “We are in the midst of times which require that all considerations of detail should be subordinated to those of political safety and social stability.” It said lawmakers’ action would demonstrate their suitability for office: “If the Democratic Legislature . . . does not appreciate this necessity, it is unequal to the time, it does not understand the hour, or it is willfully regardless of the responsibilities resting upon it.”⁴³ For the *Delta* and other supporters of slave exemption, nonslaveholders’ uncertain

³⁹ *New Orleans Daily Crescent*, December 20, 22, and 27, 1856; January 12, 1857; February 17, 1857. The *Crescent* was joined in its criticism by Opposition newspapers like the *Abbeville Meridional* and the *Shreveport Gazette*; see “Slave Exemption,” *New Orleans Daily Crescent*, February 17, 1857.

⁴⁰ *Official Journal of the Senate of Louisiana. Session of 1857* (Baton Rouge: Office of the Daily Advocate, 1857), 3, 10; “Negro Exemption,” *New Orleans Daily Delta*, January 28, 1857.

⁴¹ “A Nutshell Argument for Exemption,” *Clinton Spirit of the South* in *Montgomery Mail*, December 18, 1856.

⁴² *Baton Rouge Advocate* in “Slavery Exemption Laws,” *New Orleans Daily Crescent*, December 27, 1856.

⁴³ “Negro Exemption,” *New Orleans Daily Delta*, January 28, 1857.

loyalty presented such an imminent threat to slavery as to demand quick and drastic action by state governments.

The task facing slave exemption proponents in Louisiana was complicated by the fact that, unlike Mississippi, their state did not protect the homestead from debt liability. In 1852, Louisiana enacted a liberal homestead law, but the legislature repealed it one year later.⁴⁴ When Munday introduced his bill, the state exempted only a limited amount of personal property and provisions.⁴⁵ With those exceptions, all of a debtor's property could be sold to pay debts. Passage of a slave exemption bill would have created an anomalous and potentially explosive situation in which poor whites could be left homeless while slave owners retained a valuable bondsman. This inconvenient fact made the arguments of slave exemption proponents like the *Delta* ring hollow in Louisiana. The *Delta*, for example, argued that any objections to slave exemption would also "apply with equal force against a homestead law." Moreover, it said the principles underlying homestead law had long enjoyed the support of intelligent persons and it claimed that Jefferson "regarded the security of the homestead as essential to true liberty." Slave exemption, it said, simply extended "the same principle from an immovable estate to slave property."⁴⁶ The fact that Louisiana had rejected the homestead principle in 1853 carried no weight with the *Delta*. During the Senate debate over Munday's bill, H. W. St. Paul asked colleagues: "Why not save to the poor man, from whom . . . fortune swept everything else away, his well-tried, faithful household slave?"⁴⁷ Had he been truly concerned about the welfare of insolvent whites, St. Paul would have supported a homestead law, which could have been utilized by many more families than a slave

⁴⁴ *Louisiana Acts, 1852*, 222-223; *Louisiana Acts, 1853*, 166-167. The 1852 act exempted a home, buildings, and land up to \$1,000 in value, as well as up to \$250 of household effects and the tools of a mechanic.

⁴⁵ Sheriffs could not sell "the linen and clothes, belonging to the debtor or his wife, nor his bed, nor those of his family, nor his arms and military accoutrements, nor the tools and instruments necessary for the exercise of the trade or profession, by which he gains a living.": *Code of Practice of Louisiana of 1825*, 102. In addition, Louisiana exempted "corn, fodder, hay, provisions, and other supplies necessary for carrying on the plantation to which they are attached, for the current year.": Phillips, *The Revised Statutes of Louisiana*, 99.

⁴⁶ "Negro Exemption," *New Orleans Daily Delta*, January 28, 1857.

⁴⁷ *Official Reports of the Senate of Louisiana. Session of 1857* (Baton Rouge: Office of the Daily Advocate, 1857), 85.

exemption. Recognizing the inequity of exempting slaves, but not other property, Louisiana opponents called for legislation to help all debtors. The *Baton Rouge Advocate* favored “a law exempting . . . property to the value of \$500 or more, whether it be homestead, cash capital, or of any other description,” because it would be “more general in its operations.” Similarly, the *New Orleans Crescent* argued that if any form of property were exempted, “it is clearly honest that the same identical principle should extend to all other species of property.”⁴⁸ These critics missed the point: supporters of slave exemption were not concerned with helping insolvent debtors. Most proponents of the measure wanted only to make slave owning more attractive to nonslaveholders, so that they would purchase a bondsman and be co-opted to the support of slaveholders’ interests.

In the Senate, Munday’s bill passed its first reading on January 21, 1857 and was not taken up again until March 4. On that day, senators engaged in protracted debate of the measure before voting it down.⁴⁹ M. Ryan opposed the bill, offering a principled objection to all forms of debtor relief. He argued that “there are too many subterfuges to which fraudulent debtors can resort,” and thought slave exemption would only add to them.⁵⁰ H. W. St. Paul presented a detailed argument for slave exemption, and said that, by voting for the bill, he would discharge his “duty as a Southerner and a slave-holder.” He supported it as a recognition of slave humanity and as a means of increasing white citizens’ support of slavery. The unique nature of slave property, St. Paul argued, required that it be treated differently. Slaves “have feelings, passions, wants, as no other property has,” he argued, necessitating “distinct and peculiar legislation.” Ancient Romans treated their slaves as “part of the family,” which instilled “friendship, fidelity, and devotion to the master.” St. Paul posited a similar attachment between masters and slaves in the South, citing the feeling of slave nurses for white infants, and the “many instances” of slaves’

⁴⁸ “Slavery Exemption Laws,” *Baton Rouge Advocate* in *New Orleans Daily Crescent*, December 27, 1856; “Slave Exemption,” *New Orleans Daily Crescent*, December 22, 1856.

⁴⁹ *New Orleans Daily Crescent*, January 26, 1857; *Official Reports of the Senate of Louisiana. Session of 1857*, 84-86.

⁵⁰ *Official Reports of the Senate of Louisiana. Session of 1857*, 84. Ryan represented Rapides and Avoyelles parishes.

saving the lives of masters. The sale of slaves for payment of debt, he implied, sundered those ties and separated loyal slaves from kindly masters. St. Paul resurrected slave exemption as a humane measure, along with the idea of masters being reluctant to sell. His concern for slave humanity, like his solicitude for nonslaveholders, was purely instrumental, as revealed by his statement that the slaves of ancient Rome were so content as to rebel only once. Slaves' emotional well-being was important only insofar as it affected the safety of masters, not as an end in itself.⁵¹

Like most advocates of slave exemption, St. Paul focused his attention on the threat posed by the increasing concentration of slave ownership. He argued that Louisiana's "most vital interest" was involved in the principle of "the diffusion of slave property." Ownership by "the many" would perpetuate slavery, while "concentration among the few" would kill the institution. The democratic nature of American government demanded "that the rights of the majority must not be made subservient to the interests of the minority." He would meet that imperative, not by conceding power and influence to nonslaveholders, but by making slave owners the majority. Without intervention by the legislature, the "present tendency" would result in slaves being held in "comparatively few hands." St. Paul predicted dire consequences: "The white population will continue to diminish, and when the state most needs their services, there will be found a vortex where they once dwelt." That service likely referred to military duty, as slave owners would need nonslaveholders to take up arms in the event of a conflict with the North or an insurrection. At best, concentration of slave owning would cause "the great body of the population" to "lose all interest in the perpetuation of the institution." In the worst case, it could spark animosity toward slavery on the part of nonslaveholders. The nettlesome problem of competition between white and slave labor would be exacerbated as slaveholding was restricted to fewer owners. "Whites themselves," St. Paul predicted, "will become competitors with the blacks in the field of common labor, and this rivalry will engender hatred in . . . the former for the latter." He cited existing

⁵¹ Ibid., 84. St. Paul represented Orleans Parish.

difficulties: “This feeling may be witnessed anywhere along the coast, when black and white laborers are brought together.” The danger arising from white workers’ hatred of slaves was that “it often extends to the master.” St. Paul was on firm ground there, for white laborers’ dislike of slave competition had ignited class consciousness in many urban areas. In addition, he contended, the dearth of slave ownership in some areas produced indifference to expressions of unsound opinions. Nonslaveholders simply did not care enough to upbraid those who spoke out against slavery. St. Paul told the Senate:

Take New Orleans as an illustration of the indifference which exists to the institution—even in the metropolis of a slave-holding State—where the great body of the people are not owners of slave property. . . . Giddings, or Sumner, or Hale, might, with a far more perfect sense of personal security, proclaim their incendiary abolition opinions from the steps of the St. Charles Hotel, than they could in any town in Kentucky. . . . And that feeling will spread itself, if the right to hold slaves is virtually denied to all but a few lords of the soil—the wealthy sugar and cotton planters.⁵²

In arguing for the diffusion of slavery to a larger part of the white population, St. Paul described a trajectory in nonslaveholders’ view of the institution, from apathy to open hostility. Without the direct interest conferred by ownership, nonslaveholders would not give the active support that slavery must have to survive. Slave exemption was not meant to help nonslaveholders, it was designed to maintain slaveholders’ hegemony.

Senator Chew opposed the bill, but, like many editorial critics of slave exemption, he was no more convinced of nonslaveholders’ fidelity than its proponents. Referring to St. Paul’s claim that many residents of New Orleans were indifferent to slavery, Chew said “his own observation led him to a somewhat similar conclusion.” He departed from St. Paul, however, on the efficacy of slave exemption, arguing that the bill was “no remedy,” and would create more problems than it solved. The bill “would originate class legislation in favor of slaveholders, and open the door to endless fraud.” Moreover, it would provoke “another Northern crusade against our domestic interests” by supplying “a lever and a fulcrum for their vile and pernicious agitation.” Nothing

⁵² Ibid.

prevented the diffusion of slavery but “individual interest or a want of funds,” factors which could not be affected by the exemption. Chew worried about nonslaveholders’ loyalty, but he thought that diffusion via the slave exemption was impossible and preferred not to draw attention to class differences in the state.⁵³

Senator Munday had the last word and characterized his bill as an effort to advance the general welfare of Louisiana. He had “no class interest to advance,” nor did he hold “fellowship with privileged classes,” claiming “my sympathies . . . are with the masses.” Munday could argue in that vein because he conflated slaveholders’ private class interest with the commonweal of the state. “Whatever the pervading element of a government may be,” he declared, “the more you interest yourself in upholding it, the stronger and more impregnable you render it.” Slavery was the most powerful element in Louisiana and, as such, it should enjoy favorable legislation. The institution would benefit from being made more resistant to “assault from without, or disaffection from within,” and his bill would do both. Munday echoed the mantra of exemption proponents: “The more we diffuse slavery, the longer we perpetuate its existence.” Preserving slaves from liability for debt, he maintained, was simply a logical addition to existing debtor protections. “It [is] no innovation on the science of legislation,” Munday said, “to exempt certain kinds of property from seizure and sale.” He went so far as to list the exemptions provided for by state law: “The mechanic’s working tools are exempt; the lawyer’s library is exempt; the raiment for the hands on a plantation and their supplies for the current year are all exempt by law.” Left unsaid was the lack of a homestead exemption and the difference in value between one slave and the properties enumerated. Munday’s real concern was not the plight of insolvent debtors but the preservation of slavery. He applauded St. Paul for pointing out the “disparity . . . in New Orleans between the slave-holding and non-slave-holding citizens . . . and the consequent apathy . . . in

⁵³ Ibid., 85.

relation to our most cherished rights.” Munday shared Governor Adams’s belief that a Republican president would try to peacefully abolish slavery in the South. He outlined the Republican plan:

They will first essay to abolish slavery in the District of Columbia. If they succeed in this they will abolish commerce in slavery between the Southern States. They will then attack the border States, and perhaps carry every one of them at the first assault . . . and then, elated with their success, they will charge on the very centre or citadel of slavery itself. The crisis has arrived. It cannot be evaded, but must be met.

The “assault” on slavery within southern states would entail the use of executive patronage to attract southern adherents to the Republican party, and nonslaveholders were the constituency most susceptible to such an appeal. Munday’s fear-mongering failed to convince enough of his colleagues, however, for after his remarks, the Senate defeated the bill by a vote of 18 to 8.⁵⁴ For the time being, slave exemption had been rejected in Louisiana.

North Carolina was the last state to consider a slave exemption bill during the winter of 1856-57. As with Louisiana, the state had no homestead law, making the task of slave exemption proponents more challenging. Moreover, during this session, legislators rejected a homestead bill that would have extended fairly generous protection to family heads. It provided for exempting a dwelling and other buildings, and up to fifty acres in land, not to exceed a value of one thousand dollars. The bill received an unfavorable report from the judiciary committee, and then, on January 22, 1857, the House postponed it until March 4. In the end, the House did not resume consideration of the bill, which was allowed to die quietly.⁵⁵ A facetious amendment offered to the bill during its consideration demonstrates the hostility of some legislators to any form of debtor protection. It read: “When any person shall be so unfortunate, as to have no home, one shall be provided for him at the public’s expense.” The anonymous lawmaker who suggested the change seems to have viewed the homestead exemption as misguided philanthropy.⁵⁶ Given the

⁵⁴ Ibid., 85-86.

⁵⁵ A Bill to Exempt a Freehold Homestead From Execution Sale,” HB176, GA, 1856-57, NCDAH; *Journals of the Senate and House of Commons of the General Assembly of the State of North Carolina, at its Session of 1856-’7* (Raleigh: Holden & Wilson, 1857) “House Journal,” 316-318 (hereafter cited as *North Carolina House Journal, 1856-57*). The judiciary committee was not unanimous in opposing the bill, for its report said “a majority . . . recommend that it do not pass.”

⁵⁶ HB176, GA, 1856-57, NCDAH.

existing dissatisfaction over slave taxation, the legislature's passage of a slave exemption law, after its defeat of a homestead bill would have invited nonslaveholders' condemnation.

A member of the Opposition party, A. J. Jones, introduced a slave exemption bill into the North Carolina Senate on January 27, 1857. In drawing up his bill, Jones simply took a printed copy of the aforementioned homestead bill, which was then pending in the House, and added provisions allowing slaveholders to exempt one slave.⁵⁷ Jones thus tied the measure directly to the popular and egalitarian homestead exemption, insulating it somewhat from charges of being a class measure. In effect, he followed the suggestion of the *New Orleans Delta* to make slaves a species of homestead. Unlike proponents in Louisiana and Mississippi, Jones seems not to have contemplated the measure before the legislature convened. The Senate had been in session since November 18, 1856, but Jones waited until late January, a delay which harmed the bill's chances.⁵⁸ He may have learned of slave exemption from the widespread debate going on in the press. Although the two major newspapers in Raleigh, the *Register* and the *Standard*, virtually ignored the debate, Jones could have read about slave exemption in a South Carolina newspaper when he returned to his home in southeastern North Carolina during the legislature's holiday recess.⁵⁹ Upon the introduction of Jones's bill, the Senate referred it to its judiciary committee, which included five Democrats and two members of Jones's Opposition party.⁶⁰ That committee reported against the bill, recommending that "it do not pass." The Senate did not take up Jones's

⁵⁷ Unnumbered Senate Bill: "A Bill to Exempt a Freehold Homestead and One Negro Slave From Execution Sale," GA, 1856-57, NCDAH. The bill also permanently exempted all children subsequently born to an exempt female slave, a provision discussed further below.

⁵⁸ *Journals of the Senate and House of Commons of the General Assembly of the State of North Carolina, at its Session of 1856-'7* (Raleigh: Holden & Wilson, 1857) "Senate Journal," 3, 280 (hereafter cited as *North Carolina Senate Journal, 1856-57*).

⁵⁹ The conclusion that those papers ignored the issue is based on research in the *Raleigh Semi-Weekly Register* from November 1856-April 1857 and the *Raleigh Semi-Weekly Standard* from November 1856-February 1857. The author found only one mention of the subject, when the *Standard* briefly paraphrased Governor Adams's sentiments on the issue.: "South Carolina Legislature," *Raleigh Semi-Weekly Register*, December 3, 1856. Jones represented Bladen, Brunswick, and Columbia counties.

⁶⁰ *North Carolina Senate Journal, 1856-57*, 280. Partisan affiliation was determined by votes for Speaker at the beginning of the session.: *North Carolina Senate Journal, 1856-57*, 4-5, 22.

slave exemption bill again during the session, and the measure was effectively killed.⁶¹ The legislature's hostility to a homestead law, the late date of the bill's introduction, and the minority status of Jones's Opposition party defeated slave exemption in North Carolina in 1857.⁶²

The Alabama legislature did not meet in 1856-57, but slave exemption proponents in the state agitated through the winter in an effort to place it on the agenda when lawmakers convened in November 1857. In Montgomery, newspapers representing each party favored the measure. The *Democratic Advertiser and State Gazette* reprinted the *Delta*'s editorial and the remarks of Governor Adams, prefacing each with approving comments.⁶³ The *American Mail* reprinted the *Delta* article and several other favorable editorials from newspapers in Louisiana, Tennessee, and Alabama.⁶⁴ Another newspaper, the *Marion Commonwealth*, aggressively pushed for a slave exemption law in Alabama: "We hope that when the Legislature of Alabama meets, the subject will again be agitated, and . . . a law passed."⁶⁵ It argued that "every citizen who becomes a slaveholder" because of the exemption "would become jointly and severally stockholders in the institution" of slavery. Moreover, it hoped to place the issue at the forefront of state politics: "The subject is one which should be freely canvassed, and if agitated, we have no doubt but that it would be acquiesced in by a large majority of the people of Alabama."⁶⁶ In neighboring Georgia, the *Columbus Enquirer* took note: "Many of our Alabama . . . exchanges are discussing the propriety of the measure, and one Alabama paper proposes that this be made a test question in the

⁶¹ The *Senate Journal* gives no indication that the report of the judiciary committee was submitted to the Senate. The adverse report is included with the mss. version of the bill, but the clerk's notes on the mss. bill itself do not mention the committee's report. Unnumbered Senate Bill: "A Bill to Exempt a Freehold Homestead and One Negro Slave From Execution Sale," GA, 1856-57, NCDAH.

⁶² The Opposition candidate for Speaker lost on a 29-10 vote.: *North Carolina Senate Journal*, 1856-57, 4-5.

⁶³ [Weekly] *Montgomery Advertiser and State Gazette*, November 26, 1856; "Message of Gov. Adams of South Carolina," [Weekly] *Montgomery Advertiser and State Gazette*, December 3, 1856.

⁶⁴ "Exemption of Negroes From Sale," November 15, 1856; "A Nutshell Argument for Exemption," December 18, 1856; "The Law of Self-Defence—It Must Be Enacted," January 14, 1857; "Extension of Slavery at Home," January 20, 1857; "Exemption of Slaves From Execution and Sale," January 28, 1857; "The Truth Prevailing," February 14, 1857. All in *Montgomery Mail*.

⁶⁵ The word "again" refers to the fact that the Alabama Legislature considered slave exemption during its 1853-54 session. See Chapter Two.

⁶⁶ "Exemption of Slaves From Execution and Sale," *Marion Commonwealth* in [Daily] *Montgomery Mail*, January 28, 1857.

next August elections in that State.”⁶⁷ Slave exemption proponents in Alabama tried to repeat the success of their Mississippi counterparts by preparing the ground before the opening of the next legislative session.

While awaiting the next round of state legislative sessions, supporters of slave exemption won the endorsement of the Southern Commercial Convention at Knoxville in August 1857. During the 1850s these annual meetings became increasingly political, focusing on aspects of the slavery controversy and neglecting commercial issues. The 1857 convention continued this trend by devoting a considerable share of its time to the question of reopening the African slave trade. Although unable to reach an agreement on that thorny issue, delegates at Knoxville, representing twelve slave states and the Arizona Territory, approved the following resolution: “That it be recommended to the Legislatures of all the slaveholding States to pass acts exempting one or more slaves in the hands of each slaveholder, from liability for debts contracted after the passage of said acts.”⁶⁸ The subject had been raised at the previous convention, which met in Savannah beginning on December 8, 1856, but no action was taken. At Savannah, an Alabama delegate offered a resolution on “the exemption of a certain amount of slave property from levy and sale at legal process.” The resolution was sent to the Committee on Business, essentially deferring its consideration to the Knoxville meeting.⁶⁹ A Georgia delegate criticized the convention’s priorities, complaining: “Three whole days of the five . . . were consumed by the ridiculous discussion of the propriety of re-opening the Slave trade.” Most of the “practical resolutions” were languishing in the Committee on Business, including one “exempting one slave at least of every white citizen . . . in order to make every man . . . an *interested owner of that property*.”⁷⁰

⁶⁷ “Exempting Negroes From Execution,” *Columbus Enquirer*, February 7, 1857.

⁶⁸ *Official Report of the Debates and Proceedings of the Southern Commercial Convention, Assembled at Knoxville, Tennessee, August 9th, 1857* (Knoxville: Kinsloe & Rice, 1857), 30, 71.

⁶⁹ *Proceedings of the Southern Commercial Convention at Savannah* (N.p., n.d.), 16. The delegate was either George D. Johnson or C. H. Johnson. The *Proceedings* say “Mr. Johnson of Alabama” introduced the resolution; the list of Alabama delegates on page 6 gives the two names cited.

⁷⁰ “The Suicidal Policy of the South,” *Augusta Daily Chronicle and Sentinel*, December 28, 1856. The delegate did not provide his name.

The *Milledgeville Federal Union* concurred, claiming “a law that one slave in every family should be exempt” would “do more to strengthen the institution . . . than all these Conventions have yet done.”⁷¹ At Knoxville, Virginia delegate Roger A. Pryor introduced the slave exemption resolution on the convention’s second day. A second delegate called for immediate adoption of the resolution, arguing that while nonslaveholders were loyal, they should be made more so. The delegate “did not agree with some that there was a class . . . in the Southern States opposed to slavery,” but he “desired to have all more directly interested in its maintenance than . . . at present.” He went to the heart of the rationale for slave exemption, predicting: “The wealthiest man would find that he had a friend and supporter in the humblest man in the community.”⁷² On the motion of a third delegate, M. H. Umbaugh of Maryland, the resolution was referred to the Committee on Business. One day later, the committee reported in favor of the resolution, and the convention adopted it shortly thereafter.⁷³ The convention thus called on all of the slave state legislatures to exempt at least one slave from debt liability.⁷⁴

When the Alabama legislature convened in November 1857, Governor John Winston, a Democrat, advocated slave exemption in his opening message. His rationale was closer to that of Governor Adams than it was to the one offered by former Alabama governor, H. W. Collier, in 1853.⁷⁵ Where Collier had emphasized slave humanity and hoped to prevent the separation of slave parents from their children, and husbands from wives, those considerations were an afterthought for Winston, who focused on the need for diffusing slave ownership. Winston alluded to Mississippi’s recent exemption law, saying the measure had “received the approval of

⁷¹ “Exemption of One Negro from Levy and Sale,” *Milledgeville Federal Union*, December 30, 1856. The *Federal Union* mistakenly believed that no delegate raised the issue at Savannah.

⁷² *Debates and Proceedings of the Southern Commercial Convention . . . 1857*, 30. The second delegate’s identity is unclear; the text refers to Campbell of Virginia, but the list of delegates from Virginia includes no Campbell, the only ones named are Charles Campbell of Georgia and D. Campbell of Tennessee.

⁷³ *Ibid.*, 30, 61, 71. Prominent figures on the committee included Florida governor Madison S. Perry, Bishop Leonidas Polk, South Carolina state representative Edward Bryan, and slave trade champion Leonidas Spratt. See list of members on page 24 of the *Proceedings*.

⁷⁴ “The Southern Convention at Knoxville,” *DeBow’s Review* 23 (September 1857): 311.

⁷⁵ For Collier’s argument, see *Alabama House Journal, 1853-54*, 44-45. His message is detailed in Chapter Two of this dissertation.

one of the States . . . most interested” in slave property. Opposition to it resulted more from its “peculiarity and novelty,” than from “sound reasoning against it.” The current state of national affairs, he argued, called for “bold and decided action” by southern lawmakers. Unlike many proponents, Winston was chary about claiming that nonslaveholders’ loyalty was uncertain. He simply asserted: “The continued prosperity of the South will be greatly advanced by the diffuse distribution of slave property.” To achieve that goal, he recommended exempting “at least” one slave, “and her increase, if female.” In time, Winston said, “the ownership of slaves will become more general; the benefits of the institution more generally felt, acknowledged, and defended.”⁷⁶ He did not openly contend that nonslaveholders did not recognize how slavery benefited them, or that they might not defend the institution, but his coded language would have been clearly understood by lawmakers.

Governor Winston did not rest his case solely on the need to diffuse slave owning but presented several arguments for slave exemption. Inducing nonslaveholders to purchase slaves, he claimed, would facilitate their economic progress. The exemption was “a measure of policy” by which “the individual prosperity of the citizen is to be promoted.” Slaves were “a more secure investment to the person just struggling to rise” than any other property. Winston appropriated one of the primary justifications for homestead laws, declaring that a family’s ownership of a slave acted as “a wholesome incentive to further industry and economy.” The measure also recommended itself “in a philanthropic point of view,” by promising to improve the lives of slaves. Diffusion of slave owning, Winston predicted, would allow more direct contact between master and slave, promoting the happiness and security of bondsmen.⁷⁷ A third reason involved the perennial disdain of the southern elite for manual labor. Exempting slaves was “a matter of domestic obligation to families,” who should be relieved of the debilitating effects of working in

⁷⁶ *Journal of the Sixth Biennial Session of the Senate of Alabama, Session of 1857- '58. Held in the City of Montgomery* (Montgomery: N. B. Cloud, 1858), 22-23 (hereafter cited as *Alabama Senate Journal, 1857-58*).

⁷⁷ *Ibid.*, 23.

the southern climate. Winston explained: "The drudgery of the household is more destructive to the health of Southern women than in countries where slavery does not exist." By enacting slave exemption, Alabama legislators could ease the burden on afflicted southern womanhood. Finally, the governor deflected the charge that the measure would harm creditors, saying the objection applied to "all other laws for the protection of families." Any diminution of credit which ensued would be a boon to Alabama, for "the facility with which debts may be contracted, is a great injury to the happiness and prosperity of our people."⁷⁸ Winston subtly foregrounded the issue of nonslaveholders' loyalty in pushing for slave exemption, but he supplemented that rationale by describing it as a recognition of slaves' humanity and by adopting claims previously made on behalf of homestead laws.

Montgomery's press greeted Winston's recommendation of slave exemption with silent indifference, a dramatic change from its attitude earlier that year. The *Mail*, an American paper, said nothing about his advocacy of the measure, focusing instead on bank suspensions and the resumption of specie payments.⁷⁹ On the Democratic side, the *Advertiser and Gazette* was equally unmoved by Winston's call for a slave exemption law. It commended his address, but devoted its attention to banks and the state's credit, omitting any mention of the proposal.⁸⁰ The omission suggests a difference of opinion between the outgoing Democratic governor and the party leadership as to the wisdom of pressing slave exemption at that time.⁸¹ The change of opinion by the *Mail* and the *Advertiser* might be explained by the issues to which they gave prominence: bank suspensions and credit. In the intervening months, the Panic of 1857 had created economic dislocation across the country, leading to business failures and bankruptcies. In that environment, an exemption law, which limited the property liable for debt sale and restricted credit, had little

⁷⁸ Ibid.

⁷⁹ "Governor's Message," *Montgomery Mail*, November 11, 1857.

⁸⁰ "Message of Gov. Winston," [Weekly] *Montgomery Advertiser and Gazette*, November 18, 1857.

⁸¹ The *Advertiser and Gazette* was the official state printer. N. B. Cloud is listed on the masthead of the *Advertiser and Gazette* on November 18, 1857 and as the State Printer of the 1857-58 House and Senate Journals.

chance of success. Governor Winston might assert that less credit would be good for Alabama, but farmers and planters who desperately needed loans to plant the next year's crop disagreed.

While the press was cool to the proposal, state lawmakers gave it due consideration. First, each house of the legislature referred Winston's recommendation of a slave exemption law to its judiciary committee.⁸² Then, on November 26, Senator Edward C. Bullock introduced "A Bill to exempt certain property from levy and sale, for the use of families," which would have exempted one slave per family.⁸³ It also provided for exempting the children of an exempted female slave.⁸⁴ The bill passed its initial hurdles and went to the judiciary committee, which Bullock himself chaired.⁸⁵ Although he was then in just his first term as a lawmaker, Bullock was a talented man who quickly made his mark and proceeded to exert considerable influence in the legislature.⁸⁶ During the 1857 session, the *Advertiser and Gazette* wrote: "Although it is his first session in the legislature, [Bullock] has deeply impressed his fellow-members with the strength and erudition of his well-stored mind."⁸⁷ Bullock employed his vaunted ability to wrest a favorable report on his

⁸² On November 11, the day after the message, the House referred "the exemption of negro property" to its committee.: *Journal of the Sixth Biennial Session of the House of Representatives of Alabama, Session of 1857-'58. Held in the City of Montgomery* (Montgomery: N. B. Cloud, 1858), 40 (hereafter cited as *Alabama House Journal, 1857-58*). The Senate referred "exemptions of negro property from executions," on November 13.: *Alabama Senate Journal, 1857-58*, 36.

⁸³ *Alabama Senate Journal, 1857-58*, 77; "Legislature of Alabama," *Montgomery Mail*, November 26, 1857; [Weekly] *Montgomery Advertiser and State Gazette*, December 2, 1857. The *Senate Journal* gives the title of the bill without specifying what property would be exempted. The *Mail* and the *Advertiser and State Gazette* parenthetically stated that "one negro" would be exempted by the bill. Bullock represented Barbour County.

⁸⁴ The *Senate Journal* for January 26, 1858 refers to it as "the bill to exempt a negro slave and her increase from execution.": *Alabama Senate Journal, 1857-58*, 261. The *Advertiser and State Gazette's* account for January 28, 1858 refers to "the bill to exempt certain property from execution, (one male slave, or a female slave and her increase, but does not apply to a debt now made.):": [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858. Neither source mentioned "the increase" of an exempt female slave prior to the foregoing citations. There is no indication that the bill was amended to provide for exempting the children of an exempted female slave. The provision was most likely part of the original bill introduced by Bullock.

⁸⁵ The bill passed its first reading on November 26. On the following day, it passed its second reading and was referred to the judiciary committee. *Alabama Senate Journal, 1857-58*, 28, 77, 85.

⁸⁶ Bullock was a thirty-four year old Democrat. He spent his early years in Charleston, before going north to attend Harvard College. After graduating from Harvard in 1842, Bullock moved to Alabama and taught for two years while studying law. Once licensed to practice law, Bullock associated with powerful and influential figures. Initially, he joined a partnership with John A. Calhoun, nephew of John C. Calhoun. He later became the partner of James L. Pugh, who went on to Congress in the 1850s. The *Dictionary of Alabama Biography* says that, during his four years in the Alabama Senate, Bullock "held a controlling influence not only in the Senate, but also in the House.": Thomas McAdory Owen, *History of Alabama and Dictionary of Alabama Biography*, vol. 3 (1921; reprint, Spartanburg, SC: Reprint Company, 1978), 255.

⁸⁷ "The Present General Assembly," *Montgomery Advertiser and State Gazette*, December 9, 1857. It also said Bullock "is possessed of uncommon endowments, which aptly fit him for the subtleties of politics or the solidity of true and substantial statesmanship." The *Advertiser* concluded with this high compliment: "He is a true specimen of

slave exemption bill from the judiciary committee.⁸⁸ On the day he presented the committee's report on his bill, Bullock also delivered its unfavorable report on a "bill to prevent the levy of an execution on growing crops." The committee thus favored an unequal system that would have exempted valuable slaves from debt while allowing crops to be levied on before the harvest.⁸⁹ The Senate deferred further consideration of the slave exemption bill until January 28, 1858, at which time several members offered amendments to it. Three changes were adopted by the Senate: one deleted the provision exempting the children of an exempt female slave; a second required slave owners to register their bondsmen with local officials to avail themselves of the exemption; the third limited its application "to slaves acquired after its passage."⁹⁰ Before coming to a vote, the Senate debated the bill at length, with each side being supported by several members.⁹¹ Bullock himself made the case for his bill "in a speech of some length, which embraced the points *in extenso* of the whole."⁹² After the debate, the Senate voted on whether to engross the bill and send it to a third reading, the final step before being sent to the House. By a margin of 15 to 13, the Senate refused to order the bill to be engrossed, thus killing it.⁹³ Despite Bullock's Democratic party being in the majority, and the endorsement of the governor, the

southern chivalry." Bullock was re-elected to the Senate in 1859, played an active role in the 1860 state Democratic convention and was appointed a state commissioner to Florida during the secession winter.: Owen, *History of Alabama and Dictionary of Alabama Biography*, 3:255.

⁸⁸ Although Bullock managed to get a favorable report from the committee, subsequent events suggest that he was hard-pressed to do so. In the final vote on the bill on January 28, 1858, five of the ten committee members voted against it, and two did not vote, contributing to its defeat by a count of 15 to 13.: *Alabama Senate Journal*, 1857-58, 28, 282. In addition, three members of the committee, Agee, Bynum, and Storrs introduced hostile amendments on January 28, while a fourth, S. K. McSpadden, "made an eloquent argument in opposition to the bill.": *Alabama Senate Journal*, 1857-58, 279-280; [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858. Bullock cajoled committee members into agreeing to a favorable report on his bill, but he did not convince them to support its passage.

⁸⁹ *Alabama Senate Journal*, 1857-58, 160-161; "Legislature of Alabama," *Montgomery Mail*, December 17, 1857.

⁹⁰ *Alabama Senate Journal*, 1857-58, 279-280; [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858.

⁹¹ The *Advertiser and State Gazette* wrote: "Pending this bill, Senators Patton, Cocke, Bynum, Agee, Fleming, Calhoun, Lindsay, Storrs, Bennett, and Bullock, addressed the Senate." It also reported that S. K. McSpadden delivered a speech against the bill.: [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858. Assuming that senators' votes on the bill represent the position taken in their speeches, each side received a thorough airing. Among the senators who addressed their colleagues, Agee, Bullock, Calhoun, and Patton voted for the bill, while Bynum, Cocke, Fleming, and McSpadden voted against it. Bennett, Lindsay, and Storrs did not vote.: *Alabama Senate Journal*, 1857-58, 282.

⁹² [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858.

⁹³ *Alabama Senate Journal*, 1857-58, 282.

Senate rejected the slave exemption. Its close defeat, just one year after the Montgomery press unanimously supported the proposal, suggests that the economic crisis, and not full confidence in nonslaveholders' loyalty to slavery, was decisive in the result.

Almost one year after Governor Adams's seminal message, the South Carolina legislature prepared to resume consideration of slave exemption. The special committee charged with studying the aspects of his message relating to slavery was due to make its report, and the House could also take up the bill continued from the last session. On November 18, 1857, five days before the legislature convened, the *Charleston Mercury* tried to create a favorable climate of opinion by printing a detailed editorial in support of a slave exemption law. Written by "A Floridian," it contended the measure was "of vast importance . . . with reference to its general influence upon the general condition and security of the South."⁹⁴ In December, the special committee reported on Adams's recommendations to reopen the African slave trade and exempt a limited amount of slave property from debt. Written by Edward B. Bryan, the report devoted most of its pages to an endorsement of reopening the slave trade, while giving a cursory adverse treatment to exemption. The committee agreed with Adams "that a more general ownership among our white population is desirable throughout the South." If there were any reason to think exemption would diffuse slaveholding, it declared, "the experiment might be worthy of trial." Like other critics, however, the committee doubted the measure could "accomplish the object." Moreover, the committee had "grave objections to discriminating exemptions or restrictions of any kind," and worried the measure would spark resentment. "The proposed exemption," wrote Bryan, "may create a feeling on the part of non-slave owners different from that anticipated, and which does not now exist." A person who owned land "equal in value to one or more slaves," for example, would have reason to "regard such legislation as partial and unwise." Doubting the

⁹⁴ "Exemption of one Slave from Execution," *Charleston Mercury*, November 18, 1857. The main themes of this editorial are discussed in Chapter Two.

“expediency” of slave exemption, the committee did not recommend its adoption.⁹⁵ The House opted to table this report and print two thousand copies of it.⁹⁶ Committee member J. J. Pettigrew subsequently issued a minority report dissenting from the endorsement of the slave trade. It did not mention slave exemption, so he may be presumed to have agreed with the majority on that point.⁹⁷ The legislature concurred in doubting the expediency of slave exemption and passed no such law during its 1857-58 session.

Economic conditions were probably the most significant reason for the failure of slave exemption during South Carolina’s 1857-58 legislative session. Lawmakers had to consider not only the measure’s impact on nonslaveholders but also how it would affect credit and lending. South Carolina shared in the national economic downturn, and the tightening of credit threatened many farmers and merchants in the state. In his study of upcountry South Carolina, Lacy Ford writes: “The extreme shrinkage of credit lines accompanying the Panic of 1857 . . . forced the legislature to rethink its position on the homestead exemption.” Agriculturalists, he recounts, desperately needed credit during the winter of 1857-58 “in order to plant the next year’s crop.” Creditors required collateral, and many farmers had only their homes and land to put up. In order to make those forms of property liable for debt and allow their owners to secure loans, the legislature acted in December 1857 to repeal its homestead act of 1851.⁹⁸ In those conditions, slave exemption had little chance of becoming law. First, exempting slaves would have restricted credit by placing valuable property beyond the reach of creditors. Second, lawmakers wary of seeming to favor one class of citizens would be reluctant to exempt slaves while making nearly all of a nonslaveholder’s property liable for debt. The special committee’s warning that slave

⁹⁵ *Report of the Special Committee of the House of Representatives of South Carolina, On So Much of the Message of His Excellency Gov. Jas. H. Adams, As Relates to Slavery and the Slave Trade*, 53. Bryan represented St. John Colleton Parish in the lowcountry.

⁹⁶ Sinha, *The Counterrevolution of Slavery*, 133.

⁹⁷ *Report of the Minority of the Special Committee of Seven, To Whom Was Referred So Much of His Late Excellency’s Message No. 1 As Relates to Slavery and the Slave Trade* (Columbia: Carolina Times, 1858).

⁹⁸ Ford, *Origins of Southern Radicalism*, 323; *Acts of the General Assembly of South Carolina, Passed in December 1857* (Columbia: R. W. Gibbes, 1857), 672.

exemption would create class conflict became more salient in the absence of a homestead law. Slave exemption's defeat in South Carolina, as in Alabama, should not be read as an expression of legislators' confidence in nonslaveholders' support of slavery. A majority of the special committee agreed that increasing the proportion of slaveholders was a good idea; they simply thought exemption could not achieve it. Early in the next session, on December 4, 1858, Robert LaRoche Heriot introduced a bill in the House that would have added "to the articles now exempt by law . . . one slave." It made little headway, receiving an unfavorable report from the judiciary committee before being continued to the next session.⁹⁹ Heriot's measure would have allowed slave owners to retain highly valuable property, while nonslaveholders, because South Carolina had not reinstated its homestead law, were granted only the most basic necessities.¹⁰⁰ Slaveholding legislators were unwilling to flaunt their domination of the state in so brazen a fashion.

Lawmakers in two other states introduced slave exemption bills during the winter of 1857-58, demonstrating the widespread support for the measure. On February 6, 1858, Virginia state senator Thomas N. Welch introduced a resolution instructing the Committee for Courts and Justice "to enquire into . . . a bill for the exemption of one slave in every family from seizure for debt." The Senate adopted the resolution, and on February 12 the committee presented "A bill to amend . . . the Code, so as to exempt one slave in every family from seizure for debt." The bill passed its first reading but was tabled after its second reading on February 23. It was revived during the Senate's extra session in March and April but was again tabled on March 19.¹⁰¹ That ended consideration of the bill during that session of the Virginia legislature. In Louisiana, the House considered a property exemption bill which included language protecting one slave per

⁹⁹ "A Bill To exempt certain property from levy and sale under distress or execution," S165001: Acts, Bills, and Joint Resolutions, 1858 Session, SCDH. Heriot represented Claremont District.

¹⁰⁰ The "articles now exempt by law" in 1858 included two beds and bedding, two bedsteads, one spinning wheel, cooking utensils, \$10 worth of provisions, one loom, one cow and calf, necessary farming utensils, and mechanics' tools.: Petigru, *Portion of the Code of Statute Law of South Carolina*, 396.

¹⁰¹ *Virginia Senate Journal, 1857-58*, 334, 351, 358, 399, 503, 570. Welch represented Madison, Culpeper, Orange, and Greene counties. The bill was designated Senate Bill No. 287.

owner from sale for debt. When one representative moved to strike out the word “slave” in the bill, another tried to table that amendment but failed by a vote of 35 to 29.¹⁰² Proponents of slave exemption won no legislative victories during the sessions of 1857-58.

On November 24, 1858, Florida’s Madison S. Perry became the third southern governor to advocate slave exemption in his opening message to the legislature. Perry attended the 1857 Southern Commercial Convention, which adopted this resolution: “That it be recommended to the Legislatures of all the slaveholding States to pass acts exempting one or more slaves.”¹⁰³ He literally followed that resolution when Florida lawmakers convened in 1858. Perry brushed aside a previous rejection of the scheme, saying no one expected immediate adoption of “a measure of such importance and involving so many doubts as to its propriety and justice.” By 1858, he claimed, “an unqualified decision has been had in favor of such a law.” Perry implied that southern whites were not unified in support of slavery and he argued that government had the duty to facilitate proslavery opinion: “Our people should be a *unit in sentiment* touching the institution of slavery, not only as to its expediency, but as to its morality, and whatever may facilitate the attainment of this end . . . ought to be encouraged by the Legislature.” The direct interest conferred by ownership, he suggested, not only created a pecuniary reason to support slavery, it would also influence a person’s view of the institution’s morality. “Some of the great minds of the South,” Perry said, had demonstrated “that slavery, as it exists in the southern States, is *morally right*, and ought to be perpetuated.” As a result, “thousands” who had been indifferent or even opposed to slavery, were now “its zealous advocates.” He asserted that the “spirit of investigation” which vindicated slavery’s morality “ought to be encouraged,” by “a law securing

¹⁰² *Official Journal of the House of Representatives of Louisiana. Session of 1858* (Baton Rouge: 1858), 31. The bill in question was House Bill No. 23, “An Act to exempt certain property therein named from seizure and sale under attachment or execution.”

¹⁰³ *Debates and Proceedings of the Southern Commercial Convention . . . 1857*, 3, 24, 61, 71. Perry served on the Committee of Business which delivered a favorable report on that resolution to the convention.

every person in the possession of one slave.”¹⁰⁴ Like the *Richmond Enquirer* in 1856, Perry believed owning a slave outweighed the rhetoric of proslavery ideologues in determining an individual’s view of slavery.¹⁰⁵ This fixation on direct ownership by exemption proponents dangerously undermined the claim that slavery benefited all classes. Perry had no doubts that exemption would transform the state, telling legislators: “Such a law would . . . make hundreds of our citizens actual slave owners who, without some encouragement, would probably never own a slave.”¹⁰⁶ Legislators did not share his conviction and passed no slave exemption law during the session. In 1859, a representative gave notice of his intention to introduce “A bill . . . to exempt one Slave from Execution.”¹⁰⁷ Despite supporters’ recurrent attempts, Florida never enacted a slave exemption.

North Carolina lawmakers rejected two slave exemption bills during their legislative session of 1858-59. Their consideration of the bills took place in the context of two significant developments. First, a bipartisan coalition of reformers challenged the special treatment accorded slaveholders in several areas of state law. Their primary goal was to change the manner in which the state taxed slave property, in order to impose the *ad valorem* principle.¹⁰⁸ Moses Bledsoe, a main proponent of this reform, told colleagues that a failure to adopt the principle would cause “the engendering of prejudice” among nonslaveholders against slavery.¹⁰⁹ Despite his warning, efforts to change slave taxation failed at the 1858-59 session, and the issue remained a point of

¹⁰⁴ *A Journal of the Proceedings of the House of Representatives of the General Assembly of the State of Florida, at its Ninth Session, Begun and Held at the Capitol, in the City of Tallahassee, on Monday, November 22d, 1858* (Tallahassee: Jones & Dyke, 1858), 29-30 (hereafter cited as *Florida House Journal*, 1858).

¹⁰⁵ The *Enquirer* wrote: “For the stability of the institution, one negro in the possession of a poor family, is worth all the logic of Bledsoe and all the learning of Fletcher.”: “South Carolina Statesmanship—Message of Governor Adams,” *Richmond Semi-Weekly Enquirer*, November 28, 1856.

¹⁰⁶ *Florida House Journal*, 1858, 30.

¹⁰⁷ *A Journal of Proceedings of the House of Representatives of the General Assembly of the State of Florida, at an Adjourned Session, Begun and Held at the Capitol, in the City of Tallahassee, on Monday, November 28, 1859* (Tallahassee: Dyke & Carlisle, 1859), 4. The representative was Williams of Leon County.

¹⁰⁸ North Carolina imposed a capitation tax on slaves between twelve and fifty years old, at the same rate as adult white males. See Chapter One for more details on the conflict over slave taxation in North Carolina. The best authority on the subject is Butts, “A Challenge to Planter Rule.”

¹⁰⁹ Bledsoe quoted in Butts, “A Challenge to Planter Rule,” 42.

contention until the state seceded.¹¹⁰ In addition, reformers took aim at privileges accorded to individual slave owners and to heavily slaveholding counties. They introduced a bill to repeal slave owners' exemption from road duty, and one requiring the school fund to be distributed on the white basis. The legislature defeated both, compounding reformers' frustration with the treatment of the slave tax issue.¹¹¹ Passage of a slave exemption law in this context would have angered the reformers and possibly intensified growing class tensions in the state. The second development was the introduction of two personal property exemption bills and four homestead bills at this session.¹¹² These measures demonstrated substantial popular demand for exempting a home and some personal items from liability for debt. If the legislature ignored those popular aspirations and exempted slaves, it would have risked alienating the nonslaveholding majority.

A majority of the legislature adopted a generally hostile view to debtor protection laws during the 1857-58 session, defeating two personal property exemption bills. The House rejected one that would have exempted one horse, a buggy and harness, and a saddle and bridle, owned by "any practicing physician or attorney."¹¹³ A second, exempting a work animal, provisions, and farming tools and harnesses "necessary for the use & cultivation" of a farm, died of neglect after being introduced late in the session.¹¹⁴ Legislators passed a homestead law allowing rural citizens to exempt fifty acres and a home, while town residents could retain a two-acre lot and a home; the homestead in either case not to exceed \$500 in value.¹¹⁵ Before the bill passed, some lawmakers belittled the idea and tried to restrict its provisions. In the House, Edward C. Chambers offered this sarcastic amendment: "If any person shall apply to the county court . . . and . . . he is not in possession of the homestead provided for in this bill the State of N Carolina shall furnish the

¹¹⁰ See Chapter Seven for the debate over, and resolution of, the slave tax issue from 1859-1861.

¹¹¹ Butts, "A Challenge to Planter Rule," 32, 37.

¹¹² House Bills 29, 36, 71, 76, 526, and Senate Bill 14, GA, 1858-59, NCDAH. This enumeration does not include the two slave exemption bills.

¹¹³ HB29, GA, 1858-59, NCDAH. The bill received an unfavorable report from the judiciary committee.

¹¹⁴ HB526, GA, 1858-59, NCDAH.

¹¹⁵ *North Carolina Laws, 1858-59*, 81-82.

applicant therewith.”¹¹⁶ Oliver H. Dockery tried to cut the acreage from fifty to twenty-five acres but failed. Moreover, at one point the maximum value of a homestead was reduced from \$500 to \$300, but the \$500 ceiling was restored before the bill went to the Senate.¹¹⁷ Some lawmakers acted like they themselves were the creditors that exempted properties were protected from. Nevertheless, the homestead bill passed the House by a vote of 62 to 42 and then gained Senate approval in a little over two weeks.¹¹⁸ North Carolina joined the ranks of states that protected insolvent home owners, but the \$500 maximum paled in comparison to the value of one exempt slave, which could be worth one to two thousand dollars at that time.

Unlike the previous session, North Carolina proponents of slave exemption acted quickly once the legislature convened. On the third day of the session, November 17, 1858, Democrat John C. Badham introduced “A Bill to exempt one slave from execution.”¹¹⁹ The following day, Augustus Moore introduced a bill, the title of which captured the essence of the slave exemption movement: “A Bill to increase the number of slave owners, and for other purposes.”¹²⁰ These two measures were referred to a special “committee upon slaves and free persons of color,” while the aforementioned homestead and property exemption bills went to the judiciary committee. When his bill came up for its second reading, John C. Badham successfully moved to have it, “with all others of a like character,” referred to the special committee.¹²¹ That disparate treatment probably resulted from the dispute over slave taxation in the state, for North Carolina lay a capitation tax on slaves as *persons*, not *property*. The bill’s transmission to the judiciary committee, along with

¹¹⁶ HB76, GA, 1858-59, NCDAH. Chambers evidently believed allowing an insolvent debtor to retain his home was akin to giving a home to the landless. He voted against the bill on its second reading and voted for a motion to indefinitely postpone it before its third reading. When that failed, Chambers voted for the bill on its third and final reading.: *Journal of the House of Commons of North Carolina, Session of 1858-’59, by Edward Cantwell, Principal Clerk* (Raleigh: Holden and Wilson, 1859), 342, 349-350 (hereafter cited as *North Carolina House Journal, 1858-59*).

¹¹⁷ HB76, GA, 1858-59, NCDAH.

¹¹⁸ *North Carolina House Journal, 1858-59*, 351; HB76, GA, 1858-59, NCDAH.

¹¹⁹ *North Carolina House Journal, 1858-59*, 36; HB2, GA, 1858-59, NCDAH. This bill made no provision for exempting the children of an exempt female slave. Badham represented Chowan County.

¹²⁰ *North Carolina House Journal, 1858-59*, 43; HB11, GA, 1858-59, NCDAH. The title on the front of the mss. bill stated Moore’s intention more explicitly: “A bill to increase the number of slave-holders in North Carolina and to strengthen the domestic institution of African slavery.” This bill exempted the children under ten years old of an exempt female slave. Moore represented Martin County.

¹²¹ HB2, GA, 1858-59, NCDAH; *North Carolina House Journal, 1858-59*, 43.

bills exempting land or personal property, would have conceded the vital point that slaves were simply another form of property. On November 19, Democratic Speaker Thomas Settle, Jr. named Badham chairman of the special committee, along with two other Democrats and two of the Opposition.¹²² The same day, Augustus Moore succeeded in referring his bill to the special committee, giving Badham charge of both slave exemption bills.¹²³ Neither persuasion nor party discipline, however, enabled Badham to wrest a favorable report from the committee on either of the two slave exemption bills. On January 27, 1859, Badham had to deliver a report against his own bill, while Tod R. Caldwell presented an unfavorable report on Moore's bill. The House followed both recommendations, indefinitely postponing Badham's measure on February 1, and doing the same with Moore's bill on February 3. Neither action elicited a roll call vote in the House.¹²⁴ Despite an overwhelming Democratic majority in both houses, slave exemption failed in North Carolina. As in Louisiana and Alabama in 1857, dissent among Democrats prevented the passage of a slave exemption bill introduced by one of their own.

The failure of slave exemption in the 1858-59 session of the North Carolina legislature probably resulted from a combination of two factors. First, legislators had displayed a marked lack of enthusiasm about property exemption laws in general. Also important was the emerging controversy over the taxation of slaves, for discerning individuals may have seen the danger of class conflict and chosen to oppose the slave exemption. To be sure, nonslaveholders who were already complaining about slaves under twelve and over fifty being exempt from taxation would not have been happy to learn that some slaves were exempted from debt liability. Such concerns held little sway with John C. Badham, however, for, while supporting slave exemption, Badham repeatedly opposed legislation that would have benefited nonslaveholders. His votes on five

¹²² *North Carolina House Journal, 1858-59*, 46. The other committee members were Tod R. Caldwell (O), David Outlaw (O), John W. Norwood (D), and William T. Dortch (D). Party affiliations derived from Speaker election votes on pp. 6-7 of the *House Journal*.

¹²³ HB11, GA, 1858-59, NCDAH; *North Carolina House Journal, 1858-59*, 47.

¹²⁴ HB2, GA, 1858-59, NCDAH; HB11, GA, 1858-59, NCDAH; *North Carolina House Journal, 1858-59*, 451, 475.

measures, drawn from the sessions of 1856-57 and 1858-59, demonstrate an unremitting hostility to nonslaveholders' interests.¹²⁵ In 1856-57, he moved to table a homestead bill; then, when that failed, voted to postpone it until March 4, 1857, a delay which eventually killed the bill. During the next session, Badham voted to indefinitely postpone a mechanics' lien bill; and he voted for tabling resolutions in favor of an ad valorem tax on slaves. He also voted against the bill that became the homestead act on its second reading, voted for its indefinite postponement, and then voted against it on its third and final reading. When a second set of resolutions on slave taxation came up, he moved to table them and voted that way. In summary, Badham voted against a homestead exemption on several occasions, he opposed a mechanics' lien law, and he twice voted against ad valorem taxation of slaves.¹²⁶ His support of slave exemption while he simultaneously opposed the homestead exemption was an egregious example of his class bias. Such unremitting hostility to nonslaveholders' interests, combined with the defense of slave owners' privileges, was not likely to maintain slavery. Proslavery legislators with subtler minds understood that a dominant class could best maintain its hegemony by sometimes granting concessions.

In the 1850s, Tennessee lawmakers were committed to protecting debtors and their families, while ensuring that only the most essential items of property were kept out of creditors' reach.¹²⁷ At its 1857-58 session, convened during the Panic of 1857, the legislature preserved the tension between those two imperatives under conditions of great duress. On one hand, legislators rejected a populist attempt to temporarily halt all debt sales, in the form of "A Bill to suspend the execution laws for twelve months."¹²⁸ On the other hand, lawmakers defeated a bill that would

¹²⁵ The measures are, from 1856-57: HB176 "To exempt the homestead from execution," and from 1858-59: HB18 to provide a mechanics' lien; a resolution for ad valorem taxation of slaves; HB76 to exempt a homestead; and a second resolution for ad valorem taxation of slaves.

¹²⁶ *North Carolina House Journal, 1856-57*, 317-318; *North Carolina House Journal, 1858-59*, 84-85, 263-264, 342, 349-350, 408-409.

¹²⁷ See Chapter Two for a summary of Tennessee's homestead and property exemption laws of the 1850s.

¹²⁸ HB411, House Bills 1857-58, RG60: Legislative Materials, TSLA. The bill was introduced by L. M. Bentley (D), of Lawrence County, on January 27, 1858. Bentley argued that, because all of the banks had suspended payment, individuals should have the same right.

have repealed the state's 1852 homestead act.¹²⁹ Where South Carolina repealed its homestead law, Tennessee weathered the economic crisis without allowing creditors to dispossess families of their homes. In addition, the legislature enhanced debtor protection with a law that added several items to the list of property exempted by an 1856 act.¹³⁰ Lawmakers in the House showed their fastidiousness by amending the bill several times before passing it by the margin of 59 to 6.¹³¹ Senators also quibbled over what property to exempt and discussed limiting the value of some items, before passing the bill on a vote of 12 to 6.¹³² The margins of victory enjoyed by the measure demonstrate that debtor protection commanded support across the state. Legislators added property deemed essential to an insolvent debtor's family, while excluding items they thought gratuitous. For example, when a representative tried to add "the books of the physician and fifty dollars worth of medicines," and "the books of the lawyer," the House rejected his motion on a 64 to 6 vote.¹³³ In the 1857-58 session, lawmakers demonstrated a consensus, tempered by financial crisis, in support of exempting a bare minimum of property from liability for debt, while exposing all non-essential items. Not one had the temerity to imply that a slave was necessary to a family's survival by trying to exempt that form of property.

At the Tennessee legislature's 1859-60 session, lawmakers continued their parsing of debtor protection measures. The House rejected two bills that would have increased the maximum value of an exempt homestead from \$500 to \$1,000.¹³⁴ Lawmakers passed an act adding twenty

¹²⁹ HB18, House Bills 1857-58, RG60: Legislative Materials, TSLA. The bill was introduced by H. J. St. John (D) of Cannon County on October 9, 1857. It passed its first and second readings, and was then referred to the judiciary committee. The committee returned a negative report on October 19, and the House rejected the bill on October 23, 1857.: *Tennessee House Journal, 1857-58*, 39, 56-58, 77.

¹³⁰ "An Act to reduce into one, all laws upon the subject of exempting property from execution and attachment in this State.": *Tennessee Acts, 1857-58*, 21-23. The act imposed a maximum value on several items already exempted, while adding school books, a home-made carpet, and firewood or coal, among other things, to the list of exempt property.

¹³¹ The measure was introduced as House Bill No. 10 by Riley B. Roberts (D) on October 8, 1857. It was later superseded by the adoption of a bill in lieu.: HB10, House Bills 1857-58, RG60: Legislative Materials, TSLA; *Tennessee House Journal, 1857-58*, 35, 41, 43, 143, 161, 167, 197, 208-210.

¹³² *Tennessee Senate Journal, 1857-58*, 264-265, 303-306, 319-321. The Senate made some minor changes to the bill, which the House accepted by a vote of 53 to 12.: *Tennessee House Journal, 1857-58*, 458.

¹³³ *Tennessee House Journal, 1857-58*, 208-209.

¹³⁴ HB528, House Bills 1859-60, RG60: Legislative Materials, TSLA. House Bill 528 lost by a vote of 34 to 30.: *Tennessee House Journal, 1859-60*, 979-980; HB539, House Bills 1859-60, RG60: Legislative Materials, TSLA. House Bill 539 was indefinitely postponed on March 12, 1860.: *Tennessee House Journal, 1859-60*, 984.

bushels of wheat to the property a debtor could retain.¹³⁵ The propensity of Tennessee lawmakers to contend over the minutiae of exemption law was apparent in the history of House Bill 139. Originally a simple measure, comprising one section, it became larded with amendments which provoked long debates and many roll call votes.¹³⁶ The bill made good initial progress, passing its first reading and receiving a favorable report from the judiciary committee.¹³⁷ On the bill's second reading, however, one representative moved to amend it by adding one sewing machine, while a second moved to add one cow and one calf. Both were adopted, and the House spent the rest of the day considering and voting on further amendments.¹³⁸ When the bill came up again two months later, on February 9, 1860, representatives clamored to amend it.¹³⁹ Several lawmakers became exasperated and introduced facetious amendments to pressure their colleagues to allow the bill to be brought to a vote.¹⁴⁰ On March 13, 1860, following the addition of twenty-five pounds of wool to the list, the House passed the bill on a 44 to 14 vote.¹⁴¹ The Senate could not resist adding a few amendments before passing it by a 17 to 3 vote.¹⁴² As in the previous session, once they hashed out the specific provisions of this property exemption bill, an overwhelming majority of the legislators in each house gave it their support.

¹³⁵ *Tennessee Acts, 1859-60*, 26-27. The House showed legislators' zeal for paring exemptions to a bare minimum by reducing the quantity from 30 to 20 bushels before it passed the bill.: *Tennessee House Journal, 1859-60*, 659.

¹³⁶ HB139, House Bills 1859-60, RG60: Legislative Materials, TSLA. Introduced by Speaker W. C. Whitthorne on October 20, 1859, the original bill would have repealed the \$100 limit on the value of an exempted set of mechanics' tools, and granted that exemption to every mechanic, whether the head of a family or not.

¹³⁷ *Tennessee House Journal, 1859-60*, 76, 103-104.

¹³⁸ HB139, House Bills 1859-60, RG60: Legislative Materials, TSLA; *Tennessee House Journal, 1859-60*, 351-357; *Legislative Union and American, 1859-60*, 276-277. Those passed added one horse or yoke of oxen, and fifty pounds of picked cotton; those defeated or withdrawn would have exempted ten or thirty bushels of wheat and decreased the maximum value of exempt bedsteads and bureaus.

¹³⁹ *Tennessee House Journal, 1859-60*, 666-667. One succeeded in exempting "winter shoes, or a sufficient amount of . . . leather to make winter shoes" for a family.

¹⁴⁰ William R. Doak moved to exempt "a fiddle to every fiddler," which J. J. Williams moved to amend "to include the bow and five cents worth of rosin." Speaker Whitthorne joined the fun by suggesting the addition of "ten cents worth of cat gut.": *Legislative Union and American, 1859-60*, 449-450.

¹⁴¹ *Tennessee House Journal, 1859-60*, 995-996; HB139, House Bills 1859-60, RG60: Legislative Materials, TSLA.

¹⁴² It exempted "fifty dollars worth of lumber or material" for mechanics who were heads of family; and "an additional horse or mule.": *Tennessee Senate Journal, 1859-60*, 691, 700-701. The House agreed to the amendments by a vote of 29 to 27.: *Tennessee House Journal, 1859-60*, 1061.

During the consideration of House Bill 139, Democratic representative George V. Hebb attempted to add one slave to the list of property exempted from debt.¹⁴³ On December 8, 1859, as representatives offered various amendments to the bill, Hebb tried to include a slave on two occasions. First, when William H. Wisener offered the aforementioned amendment exempting a sewing machine, Hebb moved to amend it, by adding: “That one slave in hand of the head of each family be exempt from execution.”¹⁴⁴ The two amendments were then withdrawn, most likely because Wisener opposed the addition of one slave to his amendment.¹⁴⁵ Later in the day, Hebb tried again, moving the following amendment to the bill: “That there shall be exempt from execution to all heads of families in this State one negro slave.”¹⁴⁶ When J. M. Sheid moved to table it, the House agreed in a 49 to 20 vote, ending Hebb’s efforts to include one slave among the property exempt from debt liability.¹⁴⁷ The one slave that Hebb would have protected from creditors presented a marked contrast to the other properties exempted by this act, which included a sewing machine, one additional cow or calf, and leather to make winter shoes for a family.¹⁴⁸ Exempting one slave would have helped only one-quarter of Tennessee families, a fact which hardly recommended slaves as a form of property essential to a family’s survival.¹⁴⁹ Moreover, one adult slave could easily exceed \$1,000 in value, dwarfing the \$500 limit imposed on an

¹⁴³ Born in Maryland around 1823, Hebb made his living as a farmer. In 1859, he was in his second term as a representative, having previously served in the House from 1853 to 1855. Hebb fought with a Tennessee regiment in the Mexican war, and would go on to be a delegate to the state’s 1860 Democratic convention. He represented Lincoln County, in the center of the state’s southern border.: Robert M. McBride and Dan M. Robison, *Biographical Directory of the Tennessee General Assembly*, vol. 1, 1776-1861 (Nashville: Tennessee State Library and Archives and the Tennessee Historical Commission, 1975), 352-353.

¹⁴⁴ *Legislative Union and American*, 1859-60, 276; HB139, House Bills 1859-60, RG60: Legislative Materials, TSLA. The *House Journal* does not report Hebb’s first amendment, probably because it was subsequently withdrawn with Wisener’s amendment.

¹⁴⁵ *Legislative Union and American*, 1859-60, 276. If Wisener withdrew his amendment, Hebb’s would have been taken with it. See the cited page for a similar instance, involving Vaughan’s amendment to an amendment of McCabe. Later that day, after another representative moved to exempt one sewing machine, Wisener voted in favor, showing his continued support for the idea.: *Tennessee House Journal*, 1859-60, 352.

¹⁴⁶ *Tennessee House Journal*, 1859-60, 352; *Legislative Union and American*, 1859-60, 276; HB139, House Bills 1859-60, RG60: Legislative Materials, TSLA.

¹⁴⁷ *Tennessee House Journal*, 1859-60, 352-353. Sheid represented Coffee, Grundy, and Van Buren counties.

¹⁴⁸ *Tennessee Acts*, 1859-60, 49-50. The act eliminated the ceiling imposed on the value of an exempt set of mechanics’ tools, exempted such tools for all mechanics, and exempted \$50 worth of material for mechanics who headed a family. It also exempted, for heads of family, fifty pounds of picked cotton, twenty-five pounds of wool, and an additional horse or mule.

¹⁴⁹ In 1860, 24.3% of Tennessee families owned slaves.: Gray, *History of Agriculture in the Southern United States To 1860*, 1:482, table 7.

exempt homestead. At this session, legislators rejected two bills which would have raised the ceiling on an exempted homestead from \$500 to \$1,000.¹⁵⁰ Hebb's attempt to enact a slave exemption in Tennessee demonstrated the incompatibility between homestead and property exemptions which allowed debtors to retain essential items, and the slave exemption, which could not meet the litmus test of necessity, but was founded on the distrust of nonslaveholders.

The same incongruity appeared during Virginia's 1859-60 legislative session, as slave exemption proponents tried to impose their ideologically driven scheme on bills intended to give practical help to insolvent debtors. Their numerous efforts culminated in the supreme irony of a lawmaker trying to add one slave to a bill meant to assist "poor debtors."¹⁵¹ In a state which had no homestead law before the Civil War and was, like North Carolina, riven by an increasingly bitter dispute over slave taxation, these champions of slavery had little concern for the interests and sensibilities of nonslaveholders. A majority of lawmakers at the session, however, aimed to relieve debtors and their families by adding to the list of exempted properties. On December 6, 1859, Delegate James Ferguson moved that the Committee for Courts of Justice "enquire into . . . passing a law to exempt . . . one horse, one plough, and necessary gearing, together with fifty dollars' worth of household goods." J. S. Duckwall moved to amend the resolution "to include one slave," which the House accepted before sending it to the committee.¹⁵² Duckwall's attempt to exempt a slave from debt liability doomed Ferguson's effort to grant some real assistance to insolvent debtors, for it led the committee to report that "it is inexpedient to legislate upon the subject."¹⁵³ Ferguson's constituents in the northwest, many of whom were unhappy that slaves

¹⁵⁰ HB528 and HB539, House Bills 1859-60, RG60: Legislative Materials, TSLA; *Tennessee House Journal, 1859-60*, 979-980, 984. HB528 also provided for extending the homestead act to "every person over twenty one years of age," in addition to housekeepers and family heads, which may have contributed to its defeat.

¹⁵¹ *Journal of the House of Delegates of the State of Virginia, for the Session of 1859-60* (Richmond: William F. Ritchie, 1859), 460 (hereafter cited as *Virginia House Journal, 1859-60*).

¹⁵² *Virginia House Journal, 1859-60*, 19-20. Ferguson represented Wayne County in the northwest; Duckwall represented Morgan County in the northern valley. In between Ferguson's resolution and Duckwall's amendment, Daniel Frost of Jackson and Roane counties, in the northwest, unsuccessfully tried to amend the resolution by adding "one yoke of oxen and one mule."

¹⁵³ *Virginia House Journal, 1859-60*, 109. The conclusion that the committee objected only to exempting one slave is corroborated by the fact that, later in the session, the legislature passed an act exempting "one horse . . . plow, and necessary gearing." *Virginia Acts, 1859-60*, 133. Moreover, according to one of its members, Warner T. Jones, the

under twelve were exempt from taxation, could not have been pleased that his effort to exempt some of their most useful property had been derailed by the inclusion of one slave.

Another delegate from the northwest, Thomas S. Haymond, began the process which led to the property exemption law passed during the session. On January 23, 1860, Haymond moved a resolution for a committee “to amend the act in relation to poor debtors, as to exempt . . . two hundred dollars worth of property.” The House adopted the resolution and named a committee, including Haymond, to report a bill. On January 26, 1860, he presented House Bill 428, which would re-enact and amend part of the code to exempt more of “the property of poor debtors.”¹⁵⁴ This bill, like personal property exemption laws in most states, provided little in the way of comforts, exempting only the most basic items necessary to survival.¹⁵⁵ Despite the obvious intent conveyed by the bill’s title and its provisions, supporters of the slave exemption tried to use it as a vehicle to further their scheme. As in the case of Duckwall’s amendment to the Ferguson resolution, the House Committee for Courts and Justice was a roadblock to slave exemption during the session, quashing two subsequent efforts to introduce the measure. In December, when it received a resolution to consider “exempting free from debt, one slave to each citizen of the commonwealth who may own one,” the committee declined to report a bill.¹⁵⁶ Then, on January 16, 1860, the House referred to the committee the “petitions of citizens of Clarke, Frederick, Jefferson and Fauquier counties, praying the exemption of a limited amount of slave property.”¹⁵⁷ The petitioners’ request was “warmly advocated by myself and others,” wrote committee member Warner T. Jones, but “it was rejected by the committee.” After that setback, Jones told a slave

committee consistently opposed slave exemption during the session.: Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

¹⁵⁴ *Virginia House Journal*, 1859-60, 241, 254. Haymond represented Marion County.

¹⁵⁵ The original version of the bill exempted, to heads of a family, the following: One cow, one bedstead with a bed and bedding, six chairs, one table, six knives, six forks, six plates, two dishes, two basins, one pot, one oven, one loom, one spinning wheel, one axe, varying amounts of corn, wheat, flour and bacon, one horse, and one plow.: HB428, Rough Bills: 12/5/59-4/2/60. General Assembly. House of Delegates RG79, LVA.

¹⁵⁶ *Virginia House Journal*, 1859-60, 69. The resolution was introduced by Arthur Watson of Accomack County in the tidewater.

¹⁵⁷ *Virginia House Journal*, 1859-60, 212. The petitions, which were orchestrated by George H. Burwell, the owner of more than ninety slaves, are discussed later in this chapter.

exemption proponent, “our only recourse was to watch the opportunity, and to test the matter before the House of Delegates.”¹⁵⁸ An opportunity presented itself on March 16, 1860, when House Bill 428 came up for its second reading.¹⁵⁹ Jones perceived no impropriety in trying to add one slave to a measure for the relief of poor debtors, describing it as a bill “to exempt certain property, other than that now exempted by the code.”¹⁶⁰ Charles F. Collier moved to amend the bill “by including in the exemption one slave,” which the House decisively rejected by a vote of 63 to 21.¹⁶¹ Summarizing the result, Jones described a clear sectional split: “Nearly the whole northwestern delegation, with quite a number of delegates from the other sections of the State vot[ed] against it.”¹⁶² That split was commensurate with a class division between slave owners and nonslaveholders, for, in all but two counties of the northwest, less than ten percent of white families owned slaves in 1860.¹⁶³ Representatives of an almost entirely nonslaveholding constituency rejected a measure ostensibly meant to confer benefits on that class. On March 20, 1860, the House passed the poor debtors’ bill by a vote of 56 to 38 and sent it to the Senate.¹⁶⁴ The Senate added a few amendments, which the House concurred in, and the measure became a state law on March 29.¹⁶⁵ Its provisions were a triumph of frugal, yet practical help for insolvent debtors over an ideologically driven effort to consolidate slaveholders’ power.¹⁶⁶

¹⁵⁸ Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

¹⁵⁹ *Virginia House Journal*, 1859-60, 460.

¹⁶⁰ Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

¹⁶¹ *Virginia House Journal*, 1859-60, 460. Collier represented Petersburg. Contradicting the *Journal*, Jones wrote: “I offered as an amendment to the Bill the exemption of one slave.”: Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

¹⁶² Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

¹⁶³ Link, *Roots of Secession*, 14, map P.1; 40, map 1.2. The two exceptions were Kanawha and Putnam counties, where 10-19% of white families owned slaves.

¹⁶⁴ *Virginia House Journal*, 1859-60, 473-474. Seven of the twenty-one delegates who voted for slave exemption opposed the bill on its final reading. Each one represented a county or counties in which more than forty percent of white families owned slaves.

¹⁶⁵ *Virginia House Journal*, 1859-60, 523, 525.

¹⁶⁶ “An Act to re-enact and amend the 34th section of chapter 49 of the Code, so as to enlarge the Exemption, from distress or levy, the Property of Poor Debtors,” *Virginia Acts*, 1859-60, 132-133. In addition to the property listed in the original bill, lawmakers added several items during its course through the legislature, including one cooking stove and cooking utensils, a mechanic’s tools up to \$25 in value, one sewing machine, and a bed and bedstead for every three members of a family.

The final slave exemption bill proposed before the Civil War was introduced into the North Carolina legislature in December 1860. In March, the Democratic *Raleigh Standard* had come out in favor of slave exemption, while the Opposition *Greensboro Patriot* criticized the proposal.¹⁶⁷ Lawmakers convened on November 19, 1860 in an atmosphere of crisis, as the slave states considered their response to Lincoln's election. In the gubernatorial election that year, the slave taxation dispute took center stage, increasing class tensions. The unresolved issue loomed over legislators, and secessionists who hoped to call a state convention faced the likelihood that such a body might impose ad valorem taxation of slaves.¹⁶⁸ On November 22, Democrat John D. Stanford introduced a bill in the House which would have allowed "every white person" in the state, "to hold and possess one negro exempt from executions."¹⁶⁹ The House referred it to its judiciary committee, which returned an unfavorable report on December 4. Two days later, on the motion of Opposition member Aza Gaither, the House postponed it indefinitely.¹⁷⁰ Facing an already restive nonslaveholding population, North Carolina slaveholders were unwilling to push the slave exemption issue at that critical juncture.

During the years between the 1856 and 1860 elections, southern lawmakers heeded Governor Adams's warning and tried to prepare the South for a showdown with the North by enacting slave exemption laws. These legislators believed that nonslaveholders were inherently unsound in their loyalty to slavery and hoped to coax them into the ranks of slave owners. Although Mississippi was the only state to enact a slave exemption law, the proposal won the support of a substantial minority of legislators in many other states, revealing a profound and

¹⁶⁷ "Freehold Homestead and Slave Exemption Laws," *Raleigh Weekly Standard*, March 7, 1860; *Greensboro Patriot*, March 9, 1860.

¹⁶⁸ Butts, "A Challenge to Planter Rule," 110-112.

¹⁶⁹ "A Bill to Exempt From Execution Certain Property," HB9, GA, 1860-61, NCDAH. The printed copy is labeled "House Bill No. 8," but the clerk's notation on the mss. bill reads "H9," and the *House Journal* consistently cited it as "H9." Stanford represented Duplin County. The provision allowing all property holders, and not only heads of family, to exempt a slave was consistent with the 1858 Homestead Act.: *North Carolina Laws, 1858-59*, 81.

¹⁷⁰ *Journal of the House of Commons of North Carolina, Session of 1860-'61*. By Edward Cantwell (Raleigh: John Spelman, 1861), 52, 118, 130-131 (hereafter cited as *North Carolina House Journal, 1860-61*); HB9, GA, 1860-61, NCDAH. Gaither represented Iredell County.

widespread distrust of nonslaveholders. Furthermore, a number of lawmakers who opposed the measure shared that distrust but thought exempting slaves from debt liability would not remedy the numerical imbalance between classes. For supporters of the scheme, the Panic of 1857 came at an especially inopportune time, slowing the momentum for slave exemption and forcing states to restrict their debtor protection laws. The economic crisis and its attendant retrenchment only underscored the fact that exempting slaves would allow wealthy members of southern society to retain a highly valuable form of property which the majority was able to do without.

Class-Based Opposition and Criticism

The central paradox of the slave exemption movement was that it was intended to ensure nonslaveholders' support for slavery by offering extra privileges to slaveholders. One proponent of the measure, "A Floridian," contended that "it offers no advantage to one man or class of men more than others," but many nonslaveholders felt otherwise.¹⁷¹ They recognized that only the wealthiest minority of southern whites would receive the benefit and understood that it did offer a great advantage to the slave owning class. Much of the opposition to the exemption came from lawmakers who represented largely nonslaveholding constituencies. Employing the rhetoric of fairness, these opponents tried to insert provisions allowing debtors without slaves to exempt property equal in value to one slave. Their objections highlighted the fact that, unlike existing debtor protection laws, the slave exemption had little practical value for most insolvent persons. More important, their efforts constituted a denial of the hegemonic proslavery discourse which conflated the interests of the slaveholding class with those of southerners in general. These legislative critics recognized that nonslaveholders were a separate class and they attempted to protect the distinctive interests of that class. In addition, opponents belittled the attempt to make nonslaveholders into slave owners by offering sarcastic amendments. Their suggestions included

¹⁷¹ "Exemption of one Slave from Execution," *Charleston Mercury*, November 18, 1857.

using state funds to purchase one slave for each nonslaveholder and requiring large slave owners to contribute their bondsmen to neighbors who owned no slaves. Such facetious motions revealed considerable hostility to the agenda of slave exemption proponents and exposed class differences. Rather than instill unity among southern whites, the push for slave exemption threatened to spark class conflict in several states.

In Mississippi, legislators from the parts of the state with the lowest rates of slave owning formed a bloc against the slave exemption law passed in January 1857. As the Circuit Court bill proceeded through the House, the four representatives from Tishomingo County, in the northeast corner of the state, made several attempts to remove the slave exemption. On December 20, 1856, W. H. H. Tison offered an amendment including the personal property contained in the final act, with the exception of one slave.¹⁷² Exemption supporter H. W. Foote recognized the omission, and moved to add one slave, and if female, her children under six. Malkijah Surratt, a Tishomingo representative, tried to table that motion but failed. Foote's amendment carried by a vote of 37 to 30, with all four of Tishomingo county's representatives voting against it.¹⁷³ Later that day, Tison tried to allow nonslaveholders to exempt property equal to the value of one slave. He proposed to insert the following language after the slave exemption clause: "Every householder or head of a family, who does not own slaves . . . shall hold property exempt . . . to the value of the slave aforesaid." The amendment, which would have diluted the inducement offered to potential slave owners, was defeated by a vote of 40 to 15.¹⁷⁴ When the House reverted to the original bill, which also included the slave exemption, Tison moved to strike out "the clause exempting a slave." That passed by 32 to 27, removing slaves from the list of exempted personal property.¹⁷⁵ Having temporarily succeeded, Tison and his Tishomingo colleagues resisted efforts to restore slaves, even when nonslaveholders were granted nominally equal protection. On December 22, for

¹⁷² *Mississippi House Journal, 1856-57*, 194-195.

¹⁷³ *Ibid.*, 196-197.

¹⁷⁴ *Ibid.*, 198.

¹⁷⁵ *Ibid.*, 198-200.

example, R. C. Muldrow proposed a substitute bill that would have allowed “every free white citizen . . . being the head of a family,” to exempt up to \$2,000 worth of “any species of property preferred . . . real or personal,” including slaves.¹⁷⁶ The House rejected the substitute by 30 to 29, with all four Tishomingo men voting against it.¹⁷⁷ Similarly, when J. M. Thomson tried to delete the enumeration of personal property and exempt “property to be selected by the debtor,” the entire Tishomingo delegation opposed his effort, which lost by a vote of 38 to 21.¹⁷⁸ Finally, Tison was instrumental in defeating one last amendment which provided for exempting slaves. On December 30, 1856, he called for a separate vote on an amendment which allowed slave owners to exempt bondsmen instead of a homestead. It allowed landless slaveholders to exempt \$1,500 worth of their slaves, provided for slaveholders with land to exempt either that, or slaves up to \$1,500, and finally, gave landed slaveholders the option to exempt a combination of the two, up to \$1,500 in value. While it appeared to equalize debtor protection, the amendment favored slave owners over nonslaveholders. Landless nonslaveholders were not given the option to exempt personal property up to \$1,500, nor were landed nonslaveholders allowed to exempt additional property if their homestead were less than \$1,500 in value. The amendment lost by a vote of 35 to 22, and the House sent the bill to the Senate without a provision allowing slave owners to exempt their human property.¹⁷⁹ That absence was due, in large part, to the opposition of men who represented a predominantly nonslaveholding constituency.

The Mississippi Senate restored slave exemption to the Circuit Court bill and successfully gained House approval for the measure, but not without further class-based opposition. When the Senate, on January 9, 1857, adopted H. T. Ellett’s amendment providing for exempting slaves,

¹⁷⁶ Ibid., 200-201. Muldrow’s bill provided for debtors to choose a slave, stating: “Should any portion of such property so exempt consist of a female slave, then the children born of such slave during the ownership of such debtor, under six years of age, shall also be exempt.”

¹⁷⁷ Ibid., 201.

¹⁷⁸ Ibid., 203. Thomson also intended that slaves could be exempted by debtors, for, like Muldrow, he included a provision that exempted the children under six of an exempt female slave.

¹⁷⁹ Ibid., 223-224.

Tishomingo senator A. E. Reynolds, like his House colleagues, voted no.¹⁸⁰ The next day, James Drane of Choctaw County repeated Tison's effort to allow nonslaveholders to exempt property equal in value to one slave. Drane moved the following change: "In order to equalize . . . the benefits of this act, each and every head of family not electing to take one slave exempt from execution, may . . . select . . . other personal property, not to exceed in value one slave or twelve hundred dollars." Supporters of the amendment, which was tabled on a 17 to 6 vote, subscribed to its clear implication that slave exemption was unfair to nonslaveholders.¹⁸¹ When the bill went back to the House with slave exemption restored, Representative Smyth echoed Tison and Drane by moving an amendment enabling nonslaveholding family heads to "select . . . other personal property not to exceed in value one slave, or twelve hundred dollars." The House adopted the change but then rejected the altered slave exemption provision by a 44 to 26 tally. Once again, all four of the Tishomingo men opposed the inclusion of a slave exemption.¹⁸² Senate insistence on retaining the slave exemption eventually led the House to relent and agree to the measure. Nevertheless, the slave owners who dominated Mississippi's legislature won only by overriding the determined opposition of Tishomingo lawmakers. A measure purportedly meant to benefit nonslaveholders failed to win the support of legislators representing that class.

Tishomingo County's status as a predominantly nonslaveholding area in the midst of slavery concerned many southerners who viewed financial self-interest as the primary human motivation. Shortly after Mississippi passed its slave exemption law in early 1857, a Tennessee newspaper cited Tishomingo's alleged indifference to slavery as a justification of the scheme. The *Memphis Eagle and Enquirer* printed the remarks of a man it described as "a considerable

¹⁸⁰ *Mississippi Senate Journal*, 1856-57, 234-235. The Senate adopted it by a 20 to 5 vote.

¹⁸¹ *Mississippi Senate Journal*, 1856-57, 236. Of the five men who voted against Ellett's amendment, four voted for Drane's, and one did not vote.

¹⁸² *Mississippi House Journal*, 1856-57, 316-317. The Tishomingo men were joined in their opposition by five representatives (Baldwin, Cotton of Franklin, Dunlap, Gallent, and Thompson of Tippah), who twice voted in favor of exempting one slave and had also voted against Tison's amendment extending up to \$1,200 of additional exempted personal property to nonslaveholders. For those men, the inclusion of equal protection for nonslaveholders apparently negated the utility of slave exemption.

slaveholder” who resided in the county. This slave owner told the newspaper ““many persons in his county, not personally interested in the institution of slavery . . . are either avowed Anti-Slavery men or Abolitionists at heart.”” He also related that some of those persons had told him that, in the event of civil war, ““they will not raise an arm or strike a blow to protect him as a slaveholder in the enjoyment of his slave property.”” These nonslaveholders’ reluctance to die for another man’s property alarmed the *Eagle and Enquirer*, which called for their inclusion in the master class. It argued that slave exemption was “necessary to strengthen the institution of slavery amongst just such communities . . . as have incurred the suspicion of being indifferent to its protection.”¹⁸³ Representatives of that community had, of course, just rejected the nostrum being offered to their constituents. In 1859, Tennessean M. B. Hewson echoed the call for action to alter Tishomingo’s relative “absence of slavery.” Writing in *DeBow’s Review*, he said it would be “highly desirable” to find a means of preventing economic trends “from making Tishomingo, *by the total removal of its slaves*, a canker in the political system of slavery and the South.”¹⁸⁴ The interests of the nonslaveholding class, in the minds of these observers, had to be subsumed under those of slaveholders.

While outside supporters hoped Mississippi’s passage of a slave exemption law heralded victories elsewhere, its friends in the state were hard-pressed to keep it on the books. Opponents submitted bills for its immediate repeal in both houses of the legislature at the 1857-58 session. These attempts to rescind the law originated with lawmakers from the northeastern part of the state, near Tishomingo County. The Circuit Court Act, which provided for exempting one slave from debt, took effect on November 1, 1857, along with other parts of the revised code enacted in 1856-57.¹⁸⁵ When the legislature convened in early November, then, slave exemption had just become part of state law. In his opening message to the legislature on November 3, the governor

¹⁸³ “Something Very Strange,” *Memphis Eagle and Enquirer* in *Montgomery Mail*, April 3, 1857.

¹⁸⁴ “Reclamation of the River Wilds of the Southwest,” *DeBow’s Review* 26 (March 1859): 243.

¹⁸⁵ *Revised Code of Mississippi*, 42-43.

said of the new laws: "I recommend that they be put to the test of experience, and that no change be made in them for the present."¹⁸⁶ Despite that advice, legislators introduced bills designed to remove only the slave exemption, while leaving the balance of debtor protection law in place. In the House, Democrat James G. Hamer submitted a repealing bill on November 9.¹⁸⁷ Hamer represented Tippah County, where, in 1860, more than two-thirds of white families were headed by nonslaveholders.¹⁸⁸ At the previous session of the House, Hamer opposed slave exemption and favored debtor protection laws which applied equally to slaveholders and nonslaveholders.¹⁸⁹ After the second reading of Hamer's bill on November 12, the House tabled it by a 38 to 32 vote.¹⁹⁰ In the Senate, another Democrat, B. R. Webb, introduced "An act to repeal so much of the exemption law as relates to the negro slave exemption," on November 11, 1857.¹⁹¹ Webb represented Pontotoc County, located on Tippah's southern border. On November 14, H. T. Ellett, who was instrumental in originally passing the slave exemption, moved to have the bill tabled, which carried 18 to 7, ending Webb's attempt at repeal.¹⁹² Slave exemption had survived, but its supporters may well have been shaken. The introduction of repealing bills in the House

¹⁸⁶ *Journal of the Senate of the State of Mississippi, At A Regular Session Thereof, Held in the City of Jackson, 1857* (Jackson: E. Barksdale, 1857), 9-10 (hereafter cited as *Mississippi Senate Journal, 1857*).

¹⁸⁷ *Journal of the House of Representatives of the State of Mississippi, At A Regular Session Thereof, Held in the City of Jackson, 1857* (Jackson: E. Barksdale, 1857), 46 (hereafter cited as *Mississippi House Journal, 1857*); "An Act to repeal a part of Art. 8, page 529, of the revised Code," RG 47, Volume 23: "Bills, Resolutions, and fragments of legislative papers, 1858-1859," MDAH. Hamer's bill provided: "That so much of Article 8, Page 529, of the revised Code, as authorizes the exemption of one slave from execution, be and the same is hereby repealed." It would have taken effect upon its passage.

¹⁸⁸ Charles C. Bolton, *Poor Whites of the Antebellum South: Tenants and Laborers in Central North Carolina and Northeast Mississippi* (Durham, NC: Duke University Press, 1994), 73, fig. 2; 86, fig. 5. Tippah County sat on the western border of Tishomingo County.

¹⁸⁹ When H. W. Foote moved to amend the Circuit Court bill to exempt one slave, Hamer voted to table the amendment and then voted against it. He voted against tabling a bill that would have allowed \$2,000 worth of real and personal property, slaves included, to all family heads. He voted for an amendment that would have allowed family heads to select \$800 worth of personal property, slaves included. Finally, he voted no on the amendment that would have enabled slaveholders to choose to exempt slaves, or a mixture of real estate and slaves, to a value of \$1,500.: *Mississippi House Journal, 1856-57*, 196-197, 201-203, 223-224.

¹⁹⁰ *Mississippi House Journal, 1857*, 84.

¹⁹¹ *Mississippi Senate Journal, 1857*, 50. Webb's bill stated that "the following lines & words" providing for slave exemption, quoted in the bill, "be & the same are hereby repealed." Like Hamer's, it would have taken effect the moment of its passage: "A Bill to be entitled an Act to repeal so Much of the Exemption Law as relates to the negro slave exemption &c.," RG 47, Volume 23: "Bills, Resolutions, and fragments of legislative papers, 1858-1859," MDAH. On the front of the mss. bill is this alternate title: "A Bill to repeal so much of the exemption law as relates to one slave &c."

¹⁹² *Mississippi Senate Journal, 1857*, 71. The roll call says nine "nays" were cast, but lists seven senators.

and Senate, by lawmakers from a majority nonslaveholding section of the state, implied a high level of dissatisfaction. Proponents of the measure had promised it would bridge the gap between classes, but events seemed to bear out the predictions of critics who warned that it would only exacerbate tensions. Two years later, at the legislature's 1859-60 session, lawmakers again submitted bills designed to excise only the exemption of slaves from debt. In the House, American Richard A. Pinson, of Pontotoc County, introduced a bill providing that "so much . . . of the 'Revised Code' of Mississippi which exempts a slave . . . be . . . repealed."¹⁹³ In the upper chamber, Senator Simonton offered a similar bill, which was indefinitely postponed.¹⁹⁴ These repeated attempts to repeal slave exemption demonstrate that even in Mississippi, where 48% of white families held slaves, nonslaveholders resisted privileges for slave owners.¹⁹⁵

When the Alabama Senate considered slave exemption on January 28, 1858, lawmakers introduced three amendments that highlighted class differences between slaveholders and nonslaveholders. First, Oakley H. Bynum moved to amend the bill by inserting "or eight hundred dollars worth of other property."¹⁹⁶ As Tison tried to do in Mississippi, Bynum sought to afford nonslaveholders the right to exempt additional property roughly equivalent in value to one slave. A wealthy man, and a moderate in his political views, Bynum may have hoped to forestall class conflict by equalizing the bill's provisions.¹⁹⁷ His amendment, however, won little support in the Senate, which tabled it by a vote of 23 to 6.¹⁹⁸ Subsequently, N. A. Agee offered a wily change to

¹⁹³ "An Act to Amend an Act entitled an Act to establish Circuit Courts, to define their jurisdiction, and regulate the practice therein," RG47, Volume 25: "Bills, resolutions, and fragments of legislative papers, 1859," MDAH. Crossed out on the back of the bill is the more straightforward title: "A Bill to Repeal Negro Exemption." The fact that Pinson was an American and Webb, who moved a repealing bill in 1857, was a Pontotoc Democrat suggests that opposition to the exemption in that part of the state transcended party lines.

¹⁹⁴ "An Act entitled an act to repeal a portion of an act entitled An Act to establish Circuit Courts, to define their jurisdiction, and regulate the practice therein," RG 47, Volume 24: "Bills, Resolutions, amendments, etc., Regular session of the Legislature, 1859," MDAH. It provided that "so much of the above entitled act as pertains to the exemption of a slave, or slaves from seizure and sale by execution be . . . repealed."

¹⁹⁵ Gray, *History of Agriculture in the Southern United States To 1860*, 1:482, table 7.

¹⁹⁶ *Alabama Senate Journal*, 1857-58, 280.

¹⁹⁷ Bynum, "an extensive planter in Lawrence County," was elected to the Alabama House in 1839 and 1849 before winning election to the Senate in 1857. He attended the 1860 Baltimore convention that nominated Stephen A. Douglas for President, and he supported Douglas in the campaign.: Owen, *History of Alabama and Dictionary of Alabama Biography*, 3:276.

¹⁹⁸ *Alabama Senate Journal*, 1857-58, 280.

the bill, one which would have forced slaveholders to forgo most of the advantage they would gain from its passage. He moved to amend it by inserting: "This act shall only apply to slaves acquired after its passage."¹⁹⁹ The revised bill would have kept slave owners' existing bondsmen liable for debt and preserved the inducement for nonslaveholders to enter the master class. Agee may have sought to test slaveholding proponents' commitment to their ostensible goal of helping nonslaveholders become slave owners, or he may have wished to make the bill more egalitarian in its operation.²⁰⁰ The Senate rejected a motion to table the amendment by a vote of 20 to 9 and then adopted the change to the bill.²⁰¹ A third amendment to the bill, plainly hostile in its intent, was meant to reveal the futility and risk of any effort to make all southern whites own slaves. One senator moved to revise the bill to read: "In case any head of a family does not own a slave, every citizen of the county in which such head of a family resides, who owns exceeding one hundred slaves, shall contribute one negro from such excess, until every head of a family who desires it shall have one negro slave."²⁰² Rather than a serious attempt to alter the bill, this change was likely intended as a warning of the agrarian extremes which could result from inordinate attention to the goal of making every white man a slave owner. It expressed the idea, stated by editorial critics of the slave exemption, that, as class differences could not be erased, they should not be emphasized. The amendment struck a chord with senators and won much support, although it was defeated by a 17 to 9 vote.²⁰³ Conservative slaveholders worried that loose talk about diffusing slave ownership could lead to attacks on rich planters, on the grounds that their accumulation of property hindered the ability of nonslaveholders to rise in the economic scale.²⁰⁴

¹⁹⁹ *Alabama Senate Journal*, 1857-58, 280.

²⁰⁰ Agee voted for the bill after the Senate adopted his amendment.: *Alabama Senate Journal*, 1857-58, 282.

²⁰¹ *Alabama Senate Journal*, 1857-58, 280.

²⁰² The identity of the senator is unclear. The *Senate Journal* credited the amendment to Oakley H. Bynum, while the *Advertiser and State Gazette* attributed it to S. K. McSpadden.: *Alabama Senate Journal*, 1857-58, 280; [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858.

²⁰³ *Alabama Senate Journal*, 1857-58, 280.

²⁰⁴ A similar warning about slave exemption may have been issued by a North Carolina lawmaker during that state's 1860-61 legislative session. In the manuscript papers for that session, a note labeled "read for information" states: "One slave 500 acres of land and all other property a poor man ought to have, and if he has not such that it be furnished him by those who have.": Paper in "Amendments," GA, 1860-61, NCDAH.

In Louisiana and Tennessee, legislative opponents of slave exemption suggested that if champions of the measure really hoped to diffuse slave owning, they must authorize the state to purchase slaves for nonslaveholders. Louisiana's Senator Chew concurred in the desirability of expanding the master class but maintained that a simple debt exemption would not work. In 1857, he asserted that Louisiana would have to "purchase slaves at her own expense, and furnish them out gratis to applicants," in order to transform nonslaveholders into slave owners. If that were done, he said, nonslaveholders would "very cheerfully aid in diffusing the institution."²⁰⁵ Such a massive expenditure by the state was certainly out of the question and, even if the money were available, the requisite number of slaves was not. While Chew sympathized with exemption supporters and tried to demonstrate the impossibility of their endeavor, Tennessee representative Alfred K. Caldwell was angered when one of his colleagues broached the idea during that state's 1859-60 legislature. As recounted above, in December 1859, George V. Hebb tried to amend an exemption bill to include one slave. Caldwell, who represented a mostly nonslaveholding district in eastern Tennessee, voted against tabling Hebb's change.²⁰⁶ He voted that way, it seems, not because he favored the idea, but from a desire to make lawmakers take a stand on the proposal. Caldwell failed in that respect, but he got an opportunity to express his views two months later. When the House took up the bill again on February 9, 1860, Caldwell offered an amendment that read: "One slave shall be exempt in the hands of every head of a family in this State. *Provided*, Those who own no slaves shall be entitled to draw from the State Treasury a sufficient sum to purchase a slave." The amendment was tabled without a vote, but Caldwell's meaning could not have been lost on his colleagues.²⁰⁷ He clearly implied that exempting slaves from debt would be

²⁰⁵ *Official Reports of the Senate of Louisiana. Session of 1857*, 85.

²⁰⁶ *Tennessee House Journal, 1859-60*, 352-353. Caldwell, a thirty-year old lawyer and member of the Opposition party, was serving his only term in the legislature. He represented McMinn County in southeastern Tennessee. Having spent most of his life in east Tennessee, Caldwell became a Presidential elector for the Bell-Everett ticket in 1860, he opposed secession, and then later served in the Confederate army.: McBride and Robison, *Biographical Directory of the Tennessee General Assembly*, 1:109-110.

²⁰⁷ *Tennessee House Journal, 1859-60*, 666. The *Legislative Union and American* reported the amendment as follows: "Mr. Caldwell offered an amendment exempting one slave, and if the person be too poor to have one, appropriating money from the treasury to purchase one.": *Legislative Union and American, 1859-60*, 449.

a naked piece of class legislation and suggested that, if the state were to favor slave owners in that manner, it should make it possible for every poor man to own a slave. As the state could not subsidize such purchases, it should not protect slave owners' property from creditors. Caldwell's amendment shows, once again, the degree to which the idea of slave exemption angered the majority of southern whites who could receive no benefit from it.

Resistance to privileged treatment of slave owners' property also emerged in the related area of Married Women's Property Law. Beginning in the 1830s, a score of states in the North and South passed laws exempting, in various degrees, a wife's property from being sold to pay her husband's debts.²⁰⁸ The laws eroded the rules of coverture under common law, which granted a husband absolute control over his wife's property and made it liable for his debts.²⁰⁹ In the South, this legislation reflected the primacy of land and slaves as elements of wealth by emphasizing the protection of those forms of property. Mississippi, which became the first state to pass such a law in 1839, initially exempted only the slaves of a married woman.²¹⁰ Of the nine slave states that passed married women's property laws before 1850, seven exempted slaves from liability for the husband's debts, while only three protected property other than land or slaves.²¹¹ Doggerel verse in the *Southern Cultivator* reflected the belief that unscrupulous men coveted the slaves of wealthy young women. In it, a suitor declared: "Thou knowest how I love thee, dear /

²⁰⁸ Chused, "Married Women's Property Law: 1800-1850," 1399-1403. Chused persuasively argues that such laws were "part of a much larger movement of economic reform" prompted by the Panic of 1837, including "numerous changes in debtor's law and . . . exemptions of property from attachment by creditors." Recounting the passage of homestead and property exemption laws, he writes: "The first wave of married women's acts meshes very nicely with this statutory reform movement. . . . The married women's acts operated much like exemption laws."

²⁰⁹ Peggy A. Rabkin, *Fathers to Daughters: The Legal Foundations of Female Emancipation* (Westport, CT: Greenwood Press, 1980), 19-20; Chused, "Married Women's Property Law: 1800-1850," 1367. Before the passage of Married Women's Property Laws, wealthy fathers legally established "separate equitable estates" to keep property transmitted to their daughters from being sold for the husband's debts. Chused writes that these estates were created "by wealthy fathers to protect their daughters from the creditors of untrustworthy husbands." Chused, "Married Women's Property Law: 1800-1850," 1372.

²¹⁰ Mississippi Laws, 1839, c. 46, p. 72. In Elizabeth Gaspar Brown, "Husband and Wife: Memorandum on the Mississippi Woman's Law of 1839," *Michigan Law Review* 42 (June 1944): 1111-1112 n. 2. This proved an entering wedge leading to enhanced property and legal rights for married women in the state. By 1857, Mississippi law provided that "every species and description of property" owned by a single woman remained her separate property upon marriage, that it was not liable for her husband's debts, and that he could not sell, convey, mortgage, or transfer it without her consent. Moreover, property accrued by a woman after marriage was her separate property and exempt from the husband's debts.: *Revised Code of Mississippi*, 335-336.

²¹¹ Chused, "Married Women's Property Law: 1800-1850," 1399 nn. 206-209, 1403 n. 233.

Thou knowest how I love—thy niggers.”²¹² Two states that exempted only the real property of married women from their husband’s debts, North Carolina and Tennessee, considered extending that protection to slave property in the late 1850s.²¹³ During the 1856-57 session of the North Carolina legislature, lawmakers in each house introduced bills exempting married women’s slaves. The bills were similar, designed to ensure the transmission of slaves to the woman’s side of the family.²¹⁴ Neither measure went far, as the House bill received an unfavorable report from the judiciary committee and was indefinitely postponed, while the Senate bill was tabled on the motion of its sponsor.²¹⁵ The defeat of the two measures cannot necessarily be ascribed to class-based opposition, for at its next session, the North Carolina House rejected a bill that would have exempted all of the personal property of married women.²¹⁶ That action suggests that lawmakers were simply opposed to any extension of married women’s property rights. When Tennessee’s 1859-60 legislature considered exempting only the slaves of a married woman, while leaving her other personal property exposed, however, overtly class-based opposition appeared.

The 1857-58 session of the Tennessee legislature considered several measures relating to married women’s property. Lawmakers in both chambers introduced bills to protect married women’s slaves. In the Senate, William S. Munday introduced “A Bill . . . to protect the slaves of married women.” It provided that a married woman’s slaves, and proceeds from hiring them, were not liable “for any debt . . . of the husband’s.” The Senate’s judiciary committee reported adversely, and its chairman, W. C. Whitthorne, subsequently offered a substitute bill with more conservative provisions. Before the Senate could consider this alternative measure, Joel J. Jones

²¹² “Love and ‘Niggers,’” *Southern Cultivator* 18 (July 1860): 210.

²¹³ In 1849, North Carolina passed a law exempting wives’ real property from liability for their husband’s debts, and Tennessee did the same in 1850.: Chused, “Married Women’s Property Law: 1800-1850,” 1403 n. 233.

²¹⁴ HB83, “A Bill to extend further protection to the estates of married women,” GA, 1856-57, NCDAH; SB128, “A Bill vesting in feme coverts the right to their slave estate,” GA, 1856-57, NCDAH.

²¹⁵ *North Carolina House Journal, 1856-57*, 77, 246.

²¹⁶ *North Carolina House Journal, 1858-59*, 149. Entitled “A bill to secure a separate estate in personalty to *femes covert*,” the measure was tabled by a vote of 47 to 41.

moved an indefinite postponement of the subject, which carried by a 14 to 9 vote and closed the matter.²¹⁷ In the House, James J. Turner, who represented some of the same counties as Munday, submitted a bill “To secure to married women their slaves,” which was referred to the judiciary committee. This measure also failed to win passage.²¹⁸ While Munday and Turner concerned themselves only with the slave property of wealthy wives, Representative William H. Polk introduced legislation that would have benefited all classes of married women. He submitted a bill “To secure Married Women in the use and enjoyment of their Property,” which provided that “every species and description of property” owned by a woman before marriage, or acquired thereafter, was “her own separate property,” and exempt from sale for her husband’s debts. Polk’s measure passed the House by a vote of 33 to 29 but failed to win Senate approval.²¹⁹ At their 1857-58 legislative session, Tennessee lawmakers considered these disparate measures without engaging in any class-oriented discussion. Two years later, however, neglect of nonslaveholding married women provoked animated debate.

During the legislature of 1859-60, the Tennessee Senate provoked class-based criticism from the House by choosing to exempt only the slaves of a married woman, rather than all of her personal property, from her husband’s debts.²²⁰ Democratic senator George B. Peters initiated these events by submitting “A Bill To Secure the Rights of Married Women,” which stated that all property, “whether . . . real or personal estate,” owned by a woman before marriage or received after it, would be her “separate property,” and exempt from her husband’s debts.²²¹ The

²¹⁷ SB47, Senate Bills 1857-58, RG60: Legislative Materials, TSLA; *Tennessee Senate Journal*, 1857-58, 90, 110, 135-136, 172-173.

²¹⁸ *Tennessee House Journal*, 1857-58, 111. Munday represented Smith and Sumner counties, while Turner represented Sumner, Smith, and Macon counties. The two men may have operated conjointly in submitting the two bills. They lived in the same county, Sumner, and, moreover, both stayed at Mrs. Rowley’s boarding house during the session, which would have facilitated common action.: *Legislative Union and American*, 1857-58, 32-33.

²¹⁹ *Legislative Union and American*, 1857-58, 50, 190. Although introduced at an early date, the bill did not receive its final reading in the House until March 16, 1858, late in the session. That delay likely harmed its chances in the Senate.

²²⁰ Tennessee passed a law exempting wives’ real property from liability for their husband’s debts in 1850.

²²¹ A printed version of Peters’s SB34 is bundled with SB44, Senate Bills 1859-60, RG60: Legislative Materials, TSLA. When the Senate adopted SB54 in lieu of Peters’s bill, SB54 was then designated SB34, as it had superseded the original. Therefore, the version of SB34 at SB34, Senate Bills 1859-60, RG60: Legislative Materials,

bill passed its first reading, and was referred to the judiciary committee.²²² Before the committee reported, Opposition senator Jordan Stokes introduced “A Bill To Protect the Slave-Property of Married Women,” on October 26, 1859. The measure’s first section provided:

The slave property . . . owned by any single woman, shall continue to be owned by such woman as fully after her marriage as before . . . any slave-property which may accrue to any married woman by will, gift, distribution, or in any other way, shall be owned, used, and enjoyed . . . as fully as if it had been owned by her upon her marriage.

It also declared that a married woman’s slave property would not be liable for her husband’s debts.²²³ Stokes’s bill passed its first reading and was sent to the judiciary committee, which had Peters’s aforementioned bill under consideration.²²⁴ The committee thus faced a distinct choice between helping all of Tennessee’s married women or only the wealthiest of their number. On November 10, 1859, it decided in favor of the slave owning minority, recommending Stokes’s bill on married women’s slaves in lieu of Peters’s bill, “being both on the same subject.” The Senate concurred and adopted Stokes’s bill.²²⁵ That decision represented a triumph of proslavery ideology over party discipline, for Peters’s Democratic party held a majority in the judiciary committee.²²⁶ Moreover, the committee’s report showed the strength of slaveholders’ hegemony by stating that the two bills treated “the same subject.” For the three-quarters of Tennessee women not fortunate enough to be part of the wealthy slaveholding class, the two bills most definitely were not the same.²²⁷ By adopting Stokes’s bill in lieu of Peters’s, the Senate blatantly favored slave owners to the detriment of all other married women. After tinkering with the bill’s

TSLA, is the version passed by the Senate and sent to the House, and not Peters’s original bill. Peters represented Hardeman, Hardin, and McNairy counties.

²²² *Tennessee Senate Journal*, 1859-60, 49.

²²³ *Tennessee Senate Journal*, 1859-60, 70; SB54, Senate Bills 1859-60, RG60: Legislative Materials, TSLA. This is a printed version of the original bill, with some of the language from the original struck out in accordance with an amendment to it. The mss. of the original version is bundled with SB44, Senate Bills 1859-60, RG60: Legislative Materials, TSLA. Stokes represented Wilson and DeKalb counties.

²²⁴ *Tennessee Senate Journal*, 1859-60, 70.

²²⁵ *Tennessee Senate Journal*, 1859-60, 122; The Senate clerk’s notation on page 4 of the printed version of Peters’s bill reads: “Senate Bill No. 54, Adopted in lieu of this Nov. 10/59.”: Printed version bundled with SB44, Senate Bills 1859-60, RG60: Legislative Materials, TSLA.

²²⁶ The committee comprised four Democrats: chairman John Minnis, Thomas McNeilly, R. T. Hildreth, and R. G. Payne; and three members of the Opposition: author of the slave property bill Jordan Stokes, John Trimble, and S. S. Stanton.: *Tennessee Senate Journal*, 1859-60, 13. Stokes likely used his seat on the committee to push for his bill.

²²⁷ Slaveholding percentage from Gray, *History of Agriculture in the Southern United States To 1860*, 1:482, table 7.

provisions, the Senate overwhelmingly adopted it by a 19 to 4 vote on November 11.²²⁸ The bill enjoyed bipartisan support, with nine Democrats and ten of the Opposition voting for it. Three of the four senators who opposed the bill may have done so because of a low rate of slaveholding among their constituents.²²⁹ This implicitly class-based opposition became explicit and powerful when the bill was transmitted to the House.

In the House, the bill passed its first reading and received a favorable report from the judiciary committee.²³⁰ When, after a delay of two months, the House resumed consideration of the bill on February 16, 1860, Robert A. Johnson moved to “strike out the word ‘slave’ wherever it occurs, so as to leave the right of all property in the wife’s possession.”²³¹ In suggesting that change, Johnson contended for the interests of his mostly nonslaveholding constituency.²³² His action sparked a flurry of support from representatives who also objected to the bill’s class bias. W. E. B. Jones stated: “If it was right to exempt the slave of a married woman, it was also right to exempt her cash and other property. It would be partial legislation in favor of the owner of slaves unless the amendments were agreed to.” John G. McCabe said he “could not vote for the bill unless the amendment or one of the same import” were adopted. He argued: “All property of the married woman should be exempt from execution, unless it be procured by the exertion of the husband.” William M. Bayless told colleagues he “regarded the original bill as legislating in favor of the rich as against the poor, but if the amendment be adopted, that objection is removed.”²³³ Like Johnson, these legislators spoke for the interests of their predominantly nonslaveholding

²²⁸ *Tennessee Senate Journal, 1859-60*, 125.

²²⁹ Two men, Hildreth and McClellan, represented counties where slaves were less than 10% of the total population; the third, Edward J. Wood, represented three counties where slaves were under 10%, and two where slaves comprised less than 25%. The fourth, James A. Johnson, represented counties where slaves were 25 to 50% of the total population. All four were Democrats. Slave percentages from Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989), 42-43, maps 2-5 and 2-6.

²³⁰ SB34, Senate Bills 1859-60, RG60: Legislative Materials, TSLA.

²³¹ *Legislative Union and American, 1859-60*, 476.

²³² Robert A. Johnson, the son of Andrew Johnson, represented Greene, Jefferson, Hawkins, and Hancock counties. In two of those counties slaves were less than 10% of the population, and in the other two, 10 to 25% of the total. Percentages from Crofts, *Reluctant Confederates*, 42-43, maps 2-5 and 2-6.

²³³ *Legislative Union and American, 1859-60*, 476.

constituencies.²³⁴ The Speaker of the House, W. C. Whitthorne, said he “could not vote in favor of the bill” unless the amendment passed, but his stance was more politics than principle.²³⁵ The vast majority of representatives supported Johnson’s amendment, adopting it by a 51 to 6 vote.²³⁶ This was a signal rebuke to the Senate’s attempt to pass legislation that extended protection only to slaveholding wives. The action suggests a countervailing force to the impetus of proslavery legislation in the late antebellum period. Legislators’ propensity for such measures was tempered by the need to ensure that those laws did not overtly favor slave owners over nonslaveholders. After adopting Johnson’s amendment, the House debated other changes, but eventually voted to indefinitely postpone the bill, by a count of 38 to 28.²³⁷ Representatives were not so much in favor of the idea of exempting married women’s personal property as they were against the notion of giving such protection only to slave owners. Robert A. Johnson, for one, was determined to have the word “slave” excised from the bill before he would consent to see it dropped. While his amendment was before the House, Johnson voted on two occasions against tabling the entire bill. Following passage of his amendment, Johnson voted with the majority to indefinitely postpone the bill.²³⁸ Once he forced the vote on removing the word “slave” from the bill, Johnson was content to see it die in the House.

Treatment of Slave Children in Exemption Legislation

The provisions of the various slave exemption bills and amendments submitted after 1856 reflected the decline of the humanitarian rationale for the measure. Before then, the protection of

²³⁴ Jones, from Overton County, and Bayless, from Washington County, represented areas where slaves were less than 10% slaves of the total population, while McCabe, of Cannon County, represented one where slaves were 10 to 25%. Percentages from Crofts, *Reluctant Confederates*, 42-43, maps 2-5 and 2-6.

²³⁵ *Legislative Union and American*, 1859-60, 476. As related above, in the 1857-58 session, Whitthorne, then a senator, offered a substitute bill which exempted only the slaves of a married woman. His conversion likely resulted from an unwillingness to defy Andrew Johnson’s surrogate in the House.

²³⁶ *Tennessee House Journal*, 1859-60, 744-745; *Legislative Union and American*, 1859-60, 476; SB34, Senate Bills 1859-60, RG60: Legislative Materials, TSLA. The change appeared in the names given the bill by the *Union and American*. Before the amendment: “Senator Stokes’, 34, to protect slave property of *feme covert*,” and after: “Stokes’ bill, . . . to protect the property of *feme covert*.”; *Legislative Union and American*, 1859-60, 476-477.

²³⁷ *Tennessee House Journal*, 1859-60, 749-750.

²³⁸ *Tennessee House Journal*, 1859-60, 744-745, 749-750.

slave families had been one of the primary arguments cited by those who called for exempting slaves from debt liability. In 1856, the *New Orleans Delta* and South Carolina governor James H. Adams reconceived the exemption as a means of altering the southern class structure, and this view prevailed among editorial and legislative supporters of the scheme.²³⁹ Among those who argued for slave exemption after Governor Adams's message, only two newspapers and a contributor to *DeBow's Review* referred to preserving family ties among slaves.²⁴⁰ In southern legislatures, the emphasis on inducing nonslaveholders to become slave owners overshadowed the protection of family ties among bondsmen. None of the bills or amendments dealing with slave exemption required married slaves to be kept together, and only a portion of them provided for young children to stay with their mothers. Even where legislation did protect maternal ties, those provisions seemed perfunctory and were sometimes restricted or eliminated before the measure came to a final vote.

A substantial part of the legislation providing for slave exemption after 1856, and the various political statements made in support of it, simply overlooked the disposition of young slave children in debt sales. Those omissions left open the possibility that such children could be sold apart from their mother in cases where a slave owner had exempted the mother from liability for debt. Without a positive statement to the contrary, sheriffs likely would have felt it incumbent upon them to maximize creditors' returns by selling those children to the highest bidder. Bills introduced in South Carolina in 1856 and 1858, and one of two submitted in North Carolina in 1858, made no provision for exempting the young children of an exempt female slave.²⁴¹ The amendments offered to debtor bills in Tennessee and Virginia during their 1859-60 sessions,

²³⁹ Neither the *Delta* nor Governor Adams mentioned protecting slave families.: "Negro Exemption," *New Orleans Daily Delta*, September 25, 1856; "Message No. 1," *Charleston Mercury*, November 26, 1856.

²⁴⁰ "South Carolina," *New Orleans Daily Picayune*, December 4, 1856; "Slave Emancipation—A New Question," *Nashville Union and American*, January 11, 1857; "Inalienability of Slaves," *DeBow's Review* 23 (August 1857): 212.

²⁴¹ "A Bill To amend an act entitled An Act to increase the amount of property exempt from levy and sale," S165001: Acts, Bills, and Joint Resolutions, 1856 Session, SCDH; "A Bill To exempt certain property from levy and sale under distress or execution," S165001: Acts, Bills, and Joint Resolutions, 1858 Session, SCDH; HB2, GA, 1858-59, NCDH.

which would have exempted one slave, said nothing about the children of exempt mothers.²⁴² When the Southern Commercial Convention passed a resolution in 1857 calling upon all slave state legislatures to exempt at least one slave, it neglected to mention the fate of an exempted mother's children.²⁴³ Florida governor Madison S. Perry did not raise the issue when he argued for slave exemption in his 1858 opening message to the state legislature.²⁴⁴ Finally, an 1859 petition bearing the names of 226 Virginia residents in support of exempting one slave from debt failed to mention a mother's children.²⁴⁵ The foregoing omissions may have resulted from mere oversight or they may have been deliberate choices. At any rate, they indicate that keeping slave mothers and children together was not a priority for their authors.²⁴⁶

In those instances where lawmakers provided for exempting the offspring of a slave mother, they usually granted that protection only until the child reached a certain age. The 1857 bill introduced in Louisiana by Senator Munday declared that, when a slave owner chose to retain a female slave, "the issue of said slave shall be in like manner exempt . . . under ten years of age; but after . . . the age of ten years, it shall not be exempt."²⁴⁷ His measure thus conformed to the section of the state's Black Code which absolutely prohibited the sale of children under ten apart from their mothers.²⁴⁸ Mississippi, the only state to enact a slave exemption, adopted this general policy in its treatment of slave children. As the state senate considered the measure in January 1857, Simeon Oliver clarified the point with an amendment declaring that the exemption obtained only "until such children respectively arrive at the age of twelve years."²⁴⁹ The legislature

²⁴² *Legislative Union and American*, 1859-60, 276; HB139, House Bills 1859-60, RG60: Legislative Materials, TSA; *Virginia House Journal*, 1859-60, 460.

²⁴³ *Debates and Proceedings of the Southern Commercial Convention . . . 1857*, 30, 71.

²⁴⁴ *Florida House Journal*, 1858, 29-30.

²⁴⁵ "Petitions of Citizens of Clarke, Frederick, Jefferson, & Fauquier counties praying the exemption [of] a limited amount of slave property from process for debt," Frederick County petitions, January 16, 1860, LP, LVA.

²⁴⁶ The foregoing list is restricted to instances in which the omission has been positively determined. The author did not obtain the full text of some of the legislation discussed earlier in this chapter, and cannot state whether slave children were provided for. That legislation includes the 1856 Texas bill, the bills introduced in Florida in 1857 and 1859, and the bills submitted in Louisiana and Virginia in 1858.

²⁴⁷ "Negro Exemption," *New Orleans Daily Delta*, January 28, 1857.

²⁴⁸ Phillips, *The Revised Statutes of Louisiana*, 58, 60.

²⁴⁹ *Mississippi Senate Journal*, 1856-57, 240.

adopted Oliver's change and subsequently lowered the age. As enacted, Mississippi's slave exemption law provided that when a slave owner decided to keep a female slave, "all the children of such female under the age of six years shall likewise be exempt, until such children shall respectively arrive at the age of six years."²⁵⁰ These provisions were a rare concession to slaves' humanity, for they did not benefit the indebted slave owner or his creditor. The slaveholder would be forced to maintain an unproductive dependent and then see the child sold just when it could perform some useful labor. South Carolina slave owner B. Holden expressed the burdensome nature of young slaves when he proposed to trade one or two of his boy slaves for an older slave couple. He explained: "I want somebody that can help me, not me help them."²⁵¹ This view of slave children as a burden informed the policy of states like North Carolina and Virginia, which exempted them from taxation. Nevertheless, those children could be sold for hundreds of dollars, and their exemption from liability for debt kept those proceeds from reaching creditors. The fact that such provisions harmed the interests of both debtors and creditors goes a long way toward explaining their rarity.

One exception to the rule of exempting slave children only until they reached a certain age occurred in North Carolina in 1857. The bill introduced by Senator A. J. Jones in January specified that, not only one slave, but also "the issue of such thereafter born shall be thereafter forever exempt from sale."²⁵² This clause protected property rights more than it defended slave families, however, for it allowed the sale of children born before the slave owner registered the mother as exempt.²⁵³ Jones's distinct handling of slave children may have been influenced by decisions on what historian Thomas D. Morris calls "the Question of 'Increase'" in relation to female slaves bequeathed in wills. "Ownership of the children of a slave held by a life tenant,"

²⁵⁰ *Revised Code of Mississippi*, 529.

²⁵¹ B. Holden to James Earle Hagood, April 6, 1860, James Earle Hagood Papers, SCL.

²⁵² Unnumbered Senate Bill: "A Bill to Exempt a Freehold Homestead and One Negro Slave From Execution Sale," GA, 1856-57, NCDAH.

²⁵³ Jones's bill, like much debtor legislation, required owners to register their property with state officials in order to avail themselves of the exemption.

Morris argues, was one of the most vexed areas of estate law. In Delaware and Maryland, he writes, “the children of a slave owned by a life tenant were the property of the life tenant,” while in other states, “the increase belonged . . . to . . . the remainder.” In 1839, Delaware Chief Justice John M. Clayton explained why life tenants should own the children: “He who supports the child of the slave in infancy, ought to be justly remunerated for his expense and trouble by its services, and the expectation that he will be so remunerated, will insure greater care and attention to the wants of the child.”²⁵⁴ Jones’s provision would have kept the children born to an exempt mother from becoming liable for sale when they entered their productive years. Masters’ property rights in those children would have given them an interest in providing for them, where the Mississippi law might have left their welfare largely in their mothers’ hands. Moreover, Jones’s alternative would allow a master who exempted a female slave to rebuild his labor force over time. Edward G. Stewart of Louisiana explained his desire to own a female: “We . . . have concluded it will be best to have a girl instead of a boy. [Stewart’s wife] Lucy quotes Christine with her six or seven children as an example and I think with her that . . . a girl would prove most valuable.”²⁵⁵ Jones’s bill did not pass, and his unique treatment of an exempted mother’s children was never revived. Lawmakers who subsequently proposed slave exemption preferred the example of Mississippi, when they considered the children at all. Even in North Carolina, proponents, who should have been aware of Jones’s bill, chose to exempt children only up to a certain age. Two bills later introduced by state lawmakers, one in 1858, and the second in 1860, would have protected the children of an exempt mother until they reached the age of ten.²⁵⁶

Even when they included slave children in their measures, supporters of slave exemption demonstrated little commitment to those provisions, allowing them to be weakened or excised completely. Recommending the measure to state legislators in 1857, Alabama governor John

²⁵⁴ Morris, *Southern Slavery and the Law*, 89-90.

²⁵⁵ Edward G. Stewart to John W. Gurley, December 19, 1858, John W. Gurley Papers, LSU.

²⁵⁶ HB11, GA, 1858-59, NCDAH; HB9, GA, 1860-61, NCDAH.

Winston supported exempting one slave, “and her increase, if female.”²⁵⁷ The bill submitted at that session by Senator Bullock conformed to that recommendation by exempting “one male slave, or a female slave and her increase.”²⁵⁸ Before it came to a final vote, however, John S. Storrs moved to amend the bill by striking out the words “and her increase,” and the Senate agreed.²⁵⁹ Proponents were willing to sacrifice that language in order to carry their objective of allowing insolvent masters to keep one slave. In January 1857, when the Mississippi House deleted slave exemption from the Circuit Court bill, Senator H. T. Ellett restored it with an amendment that exempted one slave, and, if a female, her children under twelve. The Senate adopted the change and subsequently rejected a motion, by a 20 to 4 vote, to remove the clause exempting children.²⁶⁰ Senators were unwilling to expand that protection of slaves’ family ties, for one week later, they rejected an effort to impose humane restrictions on court-ordered sales of slaves. On January 16, 1857, A. M. West moved to change “An act in relation to slaves, free negroes, and mulattoes,” so that “all cases . . . shall be made with a view to the family relation existing among such slaves.” Specifically, his amendment said that “in no case where it can be avoided,” would married slaves be separated by sale, nor would a child under five “be separated from its parents, unless such parents are unavoidably separated . . . in which case the child shall not be separated from its mother.” The Senate showed its preference for property rights over slave humanity by rejecting the amendment without a roll call.²⁶¹ Later that month, when the slave exemption became a bone of contention between the House and the Senate, their committees on conference agreed to reduce from twelve to six years the age at which an exempted female slave’s children became liable for sale. The concurrence of both chambers in that compromise allowed

²⁵⁷ *Alabama Senate Journal, 1857-58*, 22-23.

²⁵⁸ [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858. The author could not determine whether the bill would have exempted such children permanently, or only until they reached a certain age.

²⁵⁹ *Alabama Senate Journal, 1857-58*, 279-280; [Weekly] *Montgomery Advertiser and State Gazette*, February 3, 1858. The Senate adopted the amendment without a roll call vote.

²⁶⁰ *Mississippi Senate Journal, 1856-57*, 232, 234-235.

²⁶¹ *Ibid.*, 252.

slave exemption to become part of the state code.²⁶² In the end, proslavery ideologues sacrificed their paternalistic pretensions in an effort to maintain the hegemony of the slaveholding class.

Slave Exemption and the Campaign Against Free Blacks

The idea of exempting slaves from liability for debt also emerged in relation to the myriad of proposals for eliminating the free black presence from the South. Those who hoped to induce voluntary enslavement suggested the measure as a humane protection, to ensure that free blacks opting for slavery remained with their chosen master. Others wanted nonslaveholders to purchase any free blacks sold into slavery, and suggested the exemption as a way to help those whites to become and remain part of the slave owning class. In the latter half of the 1850s, white southerners became increasingly concerned about the existence of the free black population. With regional prohibitions on manumission and efforts at colonization by the upper South failing to arrest the growth of the free black population, lawmakers discussed other options.²⁶³ Southern legislatures considered three main categories of free black enslavement in the 1850s: voluntary, punitive, and compulsory. Voluntary laws, passed by several states, enabled free blacks to select masters and enter slavery. Punitive laws, also enacted in several states, reduced free blacks to slavery as punishment for relatively minor crimes. Compulsory measures would have provided that all free blacks who failed to depart or voluntarily become slaves by a certain date would be sold into slavery.²⁶⁴ Much of the voluntary legislation included provisions exempting those slaves from being sold for their masters' debts. In addition, some proponents of compulsory laws called for sales to be restricted to nonslaveholders and the exemption of those slaves from debt liability. The emphases on slaves' humanity and the need to redress the demographic imbalance between slave owners and nonslaveholders echoed the larger debate on slave exemption.

²⁶² *Mississippi House Journal*, 1856-57, 334-335.

²⁶³ For a general treatment of the 1850s campaign against free blacks, see Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: Pantheon Books, 1974), 343-380.

²⁶⁴ Berlin, *Slaves Without Masters*, 373-374, 380. Arkansas became the only state to pass a compulsory enslavement law in 1860, but the measure never took effect.

Southern legislatures initiated the effort to rid their states of free blacks in the 1850s by providing for voluntary enslavement. Reluctance to consign free persons to slavery combined with questions about the constitutionality of forced enslavement to shape that choice. Virginia enacted the first of these statutes in 1856, having rejected a proposal to enslave free blacks who refused to leave the state.²⁶⁵ Passage of the law ended the practice of handling the rare cases in which free blacks asked to become slaves on an individual basis, through private acts.²⁶⁶ The law allowed females over eighteen and males over twenty-one to choose masters and become slaves. To do so, a free black had to file a petition, “setting forth his desire to choose an owner” and naming the person selected as owner. The law included provisions meant to prevent free blacks from being coerced or duped into entering slavery. It did not exempt voluntary slaves from liability for their masters’ debts, leaving open the possibility that a free black who carefully selected his or her master might be sold to a new, unknown owner by an agent of the state.²⁶⁷ Lawmakers in several other states, however, believed it would be unfair to allow voluntary slaves to be sold for debt.

At its session of 1857-58, the Tennessee legislature passed a voluntary enslavement law that exempted such slaves from sale for debt.²⁶⁸ The history of the measure shows that many lawmakers viewed the exemption as an indispensable protection to free blacks choosing slavery. In fact, the more liberal members of the legislature wished to include stronger restrictions on the disposition of such slaves but were restrained by colleagues who wanted to accord full property rights to masters. Opposition representative Henry Cooper originated the measure by submitting

²⁶⁵ For a list of voluntary laws passed in the 1850s, see Berlin, *Masters Without Slaves*, 367 n. 50. The Tennessee law of 1858 is misprinted 1856. In 1852, John Rutherford introduced a bill that provided for enslaving free blacks who refused to emigrate by a certain deadline. His proposal sparked an extended debate before it was replaced by a colonization bill in 1853.: Berlin, *Slaves Without Masters*, 360-364.

²⁶⁶ For examples of such private acts in 1855-56, see Link, *Roots of Secession*, 302-303 n. 24.

²⁶⁷ *Acts of the General Assembly of Virginia, Passed in 1855-6, In the Eightieth Year of the Commonwealth* (Richmond: William F. Ritchie, 1856), 37-38 (hereafter cited as *Virginia Acts, 1855-56*).

²⁶⁸ *Tennessee Acts, 1857-58*, 55-56.

“A Bill for the benefit of free persons of Color,” on October 23, 1857.²⁶⁹ He introduced the bill “from humane motives,” and said of free blacks, “if you wish to make them happy . . . allow them to go into slavery.”²⁷⁰ Cooper’s bill, while it included liberal terms, did not restrict the sale of voluntary slaves, providing that they would be “treated in law as other slaves.” The House judiciary committee insisted on amendments to protect voluntary slaves from being sold against their wishes. Those amendments provided that a free black choosing bondage “shall be exempt from execution . . . against his or her master,” and that a master could not “sell, barter, exchange or otherwise dispose of such free person of color,” without their written consent, “attested to by two creditable, disinterested witnesses.”²⁷¹ Those strong guarantees departed from the normal law of slavery, which granted sweeping property rights to masters. Before the House took further action, James Fulton offered a resolution evincing a desire for a harsher policy toward free blacks. It instructed the judiciary committee to “inquire into . . . removing free persons of color from Tennessee” and report a bill to that effect.²⁷² Cooper may have felt pressure to use stricter language, for when the House next took up his measure, he introduced a bill in lieu, which the House adopted.²⁷³ It made voluntary slaves “exempt from execution . . . in the hands of the person . . . chosen as master,” but omitted the language requiring their consent for a private sale.²⁷⁴ Under the provisions of Cooper’s new bill, masters could not contract debts on voluntary slaves but could sell them privately at any time.

²⁶⁹ *Tennessee House Journal, 1857-58*, 74; HB80, House Bills 1857-58, RG60: Legislative Materials, TSLA. Cooper represented Bedford County. All partisan affiliations for the 1857-58 session are inferred from the October 27, 1857 election for U.S. Senator. Nicholson voters are assumed to be Democrats, Bell voters are assumed to be Opposition.: *Legislative Union and American, 1857-58*, 23.

²⁷⁰ *Legislative Union and American, 1857-58*, 102-103.

²⁷¹ HB80, House Bills 1857-58, RG60: Legislative Materials, TSLA. The amendments did specify that voluntary slaves were subject to “being inherited by the heirs at law of the master.” The committee reported on November 10.

²⁷² *Tennessee House Journal, 1857-58*, 182; *Legislative Union and American, 1857-58*, 51. Fulton, a Democrat, represented Lincoln County. His resolution was designated HR73.

²⁷³ *Tennessee House Journal, 1857-58*, 201. This new bill, submitted on November 23, was HB251, “To provide for the voluntary enslavement of Free Persons of Color in this State.”

²⁷⁴ HB251, House Bills 1857-58, RG60: Legislative Materials, TSLA.

When the House moved to its final consideration of the measure, the exemption clause proved to be a bone of contention. On January 14, 1858, John Dobson proposed deleting that section, which he described as a “contravention of justice.” He objected to the fact that while masters could privately sell voluntary slaves, they were exempted “from the claims of creditors.” Dobson implied that the provision favored slaveholders, referring to it as “class legislation.” He preferred that any concession to black humanity be taken to its logical conclusion: “If the exemption . . . were retained, it ought also . . . for the same reason, to be provided that such a slave shall never be sold as a man may sell a slave born in his house.”²⁷⁵ Where Dobson sought to achieve consistency by removing protections, others sought to expand them. On January 16, James H. Randolph moved a substitute for Dobson’s amendment, which provided:

When any free person of color sells himself . . . under . . . this act, their term of service shall expire at the death of the purchaser; and at the death of said purchaser, said colored person . . . shall have the right to choose any other master . . . and if any such master shall sell . . . or attempt to sell . . . said colored person . . . said sale shall be null and void.

Micajah Bullock agreed that a master should not have “the power of alienation,” without the slave’s consent, and that the slave should be able to choose a new master when the one they selected died. “The bill,” he said, “should proceed upon the principle of mercy to the black, not of advantage to the master.” That credo conflicted with the general law of slavery, which privileged owners’ property rights over slaves’ humanity. Following Bullock’s remarks, the House tabled both amendments before passing the bill.²⁷⁶ It settled on exempting voluntary slaves from debt as a compromise between those who wanted greater protection and those who wished to accord full property rights to masters.²⁷⁷ Before the exemption became law, however, it faced opposition

²⁷⁵ *Legislative Union and American*, 1857-58, 102-103. Dobson, a member of the Opposition, represented Polk, McMinn, and Meigs counties.

²⁷⁶ *Legislative Union and American*, 1857-58, 106; *Tennessee House Journal*, 1857-58, 389-390. Randolph, an Opposition member, represented Cocke County. His amendment was similar to that proposed to the original bill by the judiciary committee, but it went further in making slaves ineligible for descent to masters’ heirs. Bullock, an Opposition member, also wanted to make the contract between master and slave terminable by their mutual consent.

²⁷⁷ J. W. Richardson voted for the bill even though he did not “entirely approve” of its provisions. He felt the slave “should have this voluntary choice preserved to him,” and that “at the death of his master, the negro ought to have the privilege of choosing his master again.” Despite his misgivings, Richardson thought the bill “would better the condition of the free negroes.”: *Legislative Union and American*, 1857-58, 106.

from the Senate. When its judiciary committee called for deleting the exemption, the Senate did so.²⁷⁸ One senator, Lloyd Bullen, moved to amend the bill so that free blacks entering slavery “shall, in no event be subjected to sale except such as are of bad character.” The Senate rejected his amendment by a vote of 15 to 4 and subsequently returned the bill to the House without a debt exemption clause.²⁷⁹ Representative Cooper, sponsor of the bill, objected to the Senate’s action, noting that the House had already refused to delete the exemption. Micajah Bullock thought the amendment was “calculated to defeat the object of the bill.” The House stood fast to the debt exemption and refused to concur in the Senate’s amendment. When it learned of that decision, the Senate receded from its amendment and debt exemption became part of Tennessee’s voluntary enslavement law.²⁸⁰ Tennessee’s action revived the humanitarian aspect of slave exemption, which had been eclipsed by the emphasis on making nonslaveholders into slave owners.

At least three other slave states incorporated a debt exemption into their laws providing for voluntary enslavement. On January 27, 1858, before Tennessee enacted its law, the Texas legislature passed an act enabling any free black over fourteen to choose a master and become a slave. It provided that voluntary slaves could not be sold “for any debt incurred by . . . the chosen Master prior to the period of enslavement.” That accorded far less protection than Tennessee’s law, which exempted the slave from debts contracted at any time. Texas free blacks who selected unreliable masters could be sold to pay debts incurred *after* their enslavement.²⁸¹ One year later, Louisiana allowed its free blacks over twenty-one years old to pick masters and become “slaves for life.” Its law followed the example of Texas in stating that a voluntary slave could not “be sold for any debt contracted by the owner before the decree” of enslavement. In keeping with the state’s prohibition of sales separating mothers from children under ten, the law provided that

²⁷⁸ *Tennessee Senate Journal*, 1857-58, 416, 536; HB251, House Bills 1857-58, RG60: Legislative Materials, TSLA.

²⁷⁹ *Tennessee Senate Journal*, 1857-58, 536-538, 559-560. Bullen was a Democrat.

²⁸⁰ *Tennessee House Journal*, 1857-58, 586-587; *Legislative Union and American*, 1857-58, 144; *Tennessee Senate Journal*, 1857-58, 669.

²⁸¹ *General Laws of the Seventh Legislature of the State of Texas* (Austin: 1858), 75-77. For examples of persons who enslaved themselves under this law, see Campbell, *An Empire for Slavery*, 113-114 n. 34.

when a free black mother enslaved herself, her children under ten would “become the slaves” of her master, and “be exempt from . . . debts contracted anterior to the time of enslavement.”²⁸² Alabama passed an act in February 1860, after rejecting bills that would have employed a mix of compulsion and voluntarism to rid the state of its free blacks.²⁸³ This law included the strongest debt exemption of any voluntary enslavement measure, stating that free blacks entering slavery “shall not be sold . . . for the debts or liabilities of the master . . . or their heirs or distributees.”²⁸⁴ Voluntary slaves would be insulated from existing and future debts of their masters, as well as those incurred by persons they might descend to. The Alabama legislature also included a debt exemption provision in two private voluntary enslavement acts passed earlier in that session of 1859-60.²⁸⁵ The idea did not win acceptance everywhere, however. In its 1860 law “authorising free negroes to renounce their freedom and become slaves,” Maryland did not exempt voluntary slaves from debt, nor did it impose any restriction on masters’ ability to sell them.²⁸⁶ When Georgia provided for voluntary enslavement, it, too, did not exempt elective slaves from being sold to pay their master’s debts.²⁸⁷

In two states which considered, but did not enact a voluntary enslavement law, the debt exemption formed an integral part of the proposed measures. The idea of allowing free blacks to enter bondage enjoyed considerable support in South Carolina, and several grand juries called for

²⁸² *Acts Passed by the Fourth Legislature of the State of Louisiana, At Its Second Session, Held and Begun in the City of Baton Rouge, on the 17th of January, 1859* (New Orleans: J. M. Taylor, 1859), 214-215.

²⁸³ The rejected bills were “A Bill to be entitled An Act to provide for the removal of free negroes from the State of Alabama,” in subject “Horace King,” in “Bills and Resolutions-Subjects-1818-1950,” Secretary of State, Administrative, Bills and Resolutions, ADAH; and “A Bill to be entitled An Act to dispose of free persons of color in the State of Alabama,” 1859-1860 Session, Secretary of State, Administrative, Bills and Resolutions, ADAH.

²⁸⁴ *Acts of the Seventh Biennial Session, of the General Assembly of Alabama, Held in the City of Montgomery, Commencing on the Second Monday in November, 1859* (Montgomery: Shorter & Reid, 1860), 63-64.

²⁸⁵ *Ibid.*, 624, 662. One act, permitting Charles Short and others to become slaves, said they would “never be sold for the debts or liabilities of the said Edwards or his heirs or distributees.” The second, enabling Lucy Green to become a slave, provided that she “shall not be liable to levy and sale . . . for the debts . . . of the person whose slave she becomes.”

²⁸⁶ *Laws of the State of Maryland, Made and Passed, At a Session of the General Assembly begun and held at Annapolis, on Wednesday, the 4th day of January 1860, and ended on Saturday, the 10th day of March, 1860* (Annapolis: Elihu S. Riley, 1860), Chapter 322.

²⁸⁷ Clark, Cobb, and Irwin, *The Code of the State of Georgia*, 320. Florida passed a voluntary enslavement law in 1858, but the author does not know its exact provisions.: Berlin, *Slaves Without Masters*, 367 n. 59; Smith, *Slavery and Plantation Growth in Antebellum Florida, 1821-1860*, 121.

such legislation during the late 1850s. In 1858, the grand jury for York District recommended it to the legislature on two occasions, and those from Edgefield and Kershaw districts echoed that advice in 1859.²⁸⁸ In the House, John Harleston Read Jr., chairman of the Committee on Colored Population, opposed expulsion or forced enslavement but welcomed voluntary legislation.²⁸⁹ In December 1859, when his committee received a petition favoring the voluntary enslavement of a free black individual, Read recommended passage of a general law, to “provide for all cases of the kind.”²⁹⁰ One year later, he again used the occasion of an individual petition to push for a general statute, reporting that the committee approved “the policy of encouraging . . . Free Persons of color, who desire to go into slavery.”²⁹¹ Read and the committee became convinced of the need to exempt voluntary slaves from their chosen master’s existing debts and included such a provision in a bill in 1859. Introduced in November 1858, “A Bill To authorise free negroes to select their owners and go into slavery” originally provided that a free black entering slavery would become the “absolute property” of his or her chosen master. The bill received a favorable report from Read’s committee but faced a thicket of amendments in the House. One revision, suggested by Benjamin J. Johnson, would have prevented elective slaves from being sold “for preexisting debts of their owner.” The House decided that the several amendments required further examination and continued the bill to its next session.²⁹² At that session, in December 1859, the bill went back to Read’s committee, which called for adding several clauses.²⁹³ Read and the members of the committee were evidently impressed with the wisdom of Johnson’s amendment, for they recommended a similar change to the bill, which stated that a voluntary

²⁸⁸ Presentments 1858-42, 1858-43, 1859-31, and 1859-35 in S165010: Grand Jury Presentments, SCDAH. Each of these presentments called for giving free blacks the choice of emigrating or choosing to enter slavery.

²⁸⁹ Reporting on an 1858 presentment which called for a law “requiring Free Negroes to leave the State,” Read argued that the suggestion was “unjust & inhuman.”: Report 1858-24 in S165005: Committee Reports, SCDAH.

²⁹⁰ Report 1859-97 in S165005: Committee Reports, SCDAH. Reporting on a similar petition, Read declared the committee’s desire “that a Bill . . . for this purpose be passed, and thus enable all Free Persons of color desiring to go into slavery [to] do so.”: Report 1859-100 in S165005: Committee Reports, SCDAH.

²⁹¹ Report 1860-197 in S165005: Committee Reports, SCDAH.

²⁹² “A Bill To authorise free negroes to select their owners and go into slavery,” S165001: Acts, Bills, and Joint Resolutions, 1858 Session, SCDAH. The bill was introduced by Alexander Stuart Wallace of York District. Benjamin J. Johnson represented St. Thomas and St. Dennis.

²⁹³ Report 1859-107 in S165005: Committee Reports, SCDAH.

slave would not be “liable for . . . any debt of the owner contracted prior to such agreement.” Despite its endorsement by the committee, the bill did not win passage.²⁹⁴ South Carolina proved unable to settle on a policy toward the state’s free blacks, but many of the state lawmakers who supported voluntary enslavement wanted a debt exemption provision.

North Carolina legislators also contemplated, but never passed, several voluntary laws that included some form of debt exemption. In 1858, Senator Lott W. Humphrey introduced two complementary bills, one providing for compulsory, and one for voluntary enslavement.²⁹⁵ The first would have given free blacks two years to leave the state, after which time they would be “arrested and sold.”²⁹⁶ Humphrey’s voluntary bill enabled free blacks over fourteen to choose a master and become slaves. Such elective slaves would not “be subject to forced sale for any debt incurred by . . . the chosen master prior to the period of enslavement.”²⁹⁷ The close similarity to the Texas law suggests that Humphrey may have used that statute as a model in crafting his bill. It quickly won the endorsement of the *Raleigh Standard*, which printed the entire text of the bill.²⁹⁸ Humphrey’s two bills also gained public support, as ninety-two persons signed a petition asking legislators to “secure the objects, which they are designed to effectuate.”²⁹⁹ Nevertheless, the Senate took no action on either bill. At the next session, in November 1860, Humphrey again submitted a voluntary bill retaining the provisions of his first version, including the exemption from liability for existing debts.³⁰⁰ During the same session, in the House, Harrison M. Waugh offered his own voluntary bill, which allowed free blacks eighteen and over to become slaves.

²⁹⁴ “A Bill To authorise free negroes to select their owners and go into slavery,” S165001: Acts, Bills, and Joint Resolutions, 1858 Session, SCDAH.

²⁹⁵ Humphrey, a Democrat, represented Onslow County.

²⁹⁶ SB3, GA, 1858-59, NCDAH.

²⁹⁷ SB7, GA, 1858-59, NCDAH. Humphrey’s intention that this bill should complement his first bill is apparent in the final section, which stated that free blacks whose voluntary enslavement was pending could not be arrested “under any law prohibiting free persons of color from remaining in or coming to this State.”

²⁹⁸ John Hope Franklin, “The Enslavement of Free Negroes in North Carolina,” *Journal of Negro History* 29 (October 1944): 410-411.

²⁹⁹ Petition bundled with a letter and a report on it in “Committee Reports,” GA, 1858-59, NCDAH.

³⁰⁰ Printed version of “Senate Bill, No. 8. Ses. 1860-61,” Cp326.1 N87g6 in the North Carolina Collection, UNC- Chapel Hill, available online at <http://docsouth.unc.edu/bill8/bill8.html>. The only change was that the title, and all other instances in the text, referred to “free persons of color,” rather than “free persons of African descent,” as in the 1858 bill.

Waugh's bill provided greater security than Humphrey's, stating that elective slaves "shall not be subject in the hands of such master to attachment or execution for his debts or liabilities." The Committee on Slaves and Free Negroes reported against the bill in January 1861, and the House allowed it to languish.³⁰¹ Even the outbreak of civil war did not end North Carolina's attempts to allow free blacks to enslave themselves. In February 1862, the state convention considered an ordinance to facilitate that step. The ordinance would have enabled free blacks twenty-one and older to enter into slavery with a chosen master. A voluntary slave could not be sold for the master's debts "contracted prior to the order . . . declaring him or her a slave."³⁰² North Carolina lawmakers, like their peers in South Carolina, could not agree on a voluntary law, but many believed that exempting elective slaves from debt sales was necessary for humanitarian reasons.

In Tennessee and Virginia, states which passed voluntary laws, the concept of a debt exemption retained validity even when additional measures were considered. At their 1859-60 session, Tennessee lawmakers, frustrated by the dearth of free blacks choosing to enter slavery, considered a range of harsher actions, including compulsory enslavement.³⁰³ One bill, submitted by Representative William M. Bayless, would have required "all free persons of color . . . of the age of eighteen," to choose a master and enter slavery. Free blacks wishing to remain that way would have to emigrate from the state. Despite the mandatory nature of his bill, Bayless retained the part of the 1858 act which made free blacks entering slavery "exempt from execution or attachment" in the hands of their chosen masters.³⁰⁴ Virginia lawmakers, also frustrated by free blacks' reluctance to enter bondage, debated changing the state's voluntary law at their 1860-61

³⁰¹ HB321, GA, 1860-61, NCDAH. Waugh represented Surry County. The committee preferred the terms of Humphrey's bill, for it later introduced and recommended passage by the House of a bill that was an exact transcription of the one Humphrey introduced into the Senate. See HB457, GA, 1860-61, NCDAH.

³⁰² Printed copy of "An Ordinance allowing Free Negroes to enslave themselves," in *Confederate Imprints*.

³⁰³ For a detailed treatment, see Jonathan M. Atkins, "Party Politics and the Debate over the Tennessee Free Negro Bill, 1859-1860," *Journal of Southern History* 71 (May 2005): 245-278. The author thanks Professor Atkins for generously providing him with a draft copy of this article in November 2002.

³⁰⁴ HB30, House Bills 1859-60, RG60: Legislative Materials, TSLA. This bill replicated entire sections of the 1858 voluntary law. Bayless represented Washington County.

session.³⁰⁵ One bill eliminated the requirement that owners pay one-half of the slave's assessed value to the state. It also stipulated that a voluntary slave would not be sold for "the present or future debts of the master or mistress, or his or her heirs or legatees."³⁰⁶ That provision was virtually the same as the one passed by Alabama in 1860. It was removed at some point, however, before the bill passed the legislature.³⁰⁷

The exemption, to varying degrees, of elective slaves from liability for their masters' debts was a mainstay of the voluntary enslavement measures considered by southern states. Of the eight states that passed voluntary acts, at least four included a debt exemption.³⁰⁸ Virginia excised such a provision from a bill before passing it into law. Moreover, two states that considered and rejected such legislation, North and South Carolina, entertained bills that included an exemption clause. Southern lawmakers who supported the exemption saw it as a humane measure to ensure that free blacks who carefully chose their masters would not be sold for debt. Their view coincided with that of reformers who had called for exempting slaves from debt liability to stop the rending of slave families. That rationale, however, fell into obscurity after 1856, as proponents emphasized the class aspects of slave exemption. The inclusion of debt exemption provisions in voluntary acts demonstrated that southerners had not forgotten the humane aspects of debt exemption, but had simply become preoccupied with the threat posed by nonslaveholders' uncertain loyalty to slavery.

Many southerners hoped that the entry of free blacks into bondage would help to alleviate the region's chronic labor shortage and allow nonslaveholders to become slave owners. By 1860, over 260,000 free blacks lived in the slave states, forming six percent of the black population.³⁰⁹

³⁰⁵ Ira Berlin estimates that only fourteen Virginia free blacks opted for slavery between 1856 and 1859.: Berlin, *Slaves Without Masters*, 367 n. 50.

³⁰⁶ HB219, "A Bill for the voluntary enslavement of free negroes without compensation to the Commonwealth," Rough Bills: 1/7/61-4/4/61. General Assembly. House of Delegates RG79, LVA.

³⁰⁷ *Acts of the General Assembly of the State of Virginia, Passed in 1861, in the Eighty-Fifth Year of the Commonwealth* (Richmond: William F. Ritchie, 1861), 52-53.

³⁰⁸ Alabama, Louisiana, Tennessee, and Texas included an exemption; the author is uncertain about Florida.

³⁰⁹ Berlin, *Slaves Without Masters*, 136-137, tables 6 and 8.

In 1859, the grand jury for Edgefield District in South Carolina emphasized the benefits to be gained from adding free blacks to the slave labor force. Calling on the legislature to impose a choice of migration or slavery on the state's free blacks, it predicted that "two thirds of them would prefer becoming the Slaves of kind Southern masters" to an uncertain freedom in the North. Should free blacks choose slavery, it continued, "the South would procure additional Slave labor to satisfy the pressing demand for more labor in her agricultural pursuits." Estimating that ten thousand free blacks lived in the state, the grand jury asserted that the entry of most of them into bondage would make "a large addition . . . to the productive industry of the Country, to the great benefit of both the idle free negroes and our white population."³¹⁰ For whites unable to afford a slave under the prevailing high prices, free black enslavement promised to offer entry to the master class. Referring to North Carolina, John Hope Franklin writes: "The prospect of a new supply of slaves was greeted with enthusiasm by those who had no means of purchasing them."³¹¹ To that, one may add a codicil: southerners concerned about nonslaveholders' loyalty saw the prospect of an additional supply of slaves as an opportunity to bring those whites into the slave owning fold.

At a June 1859 convention held in Baltimore to discuss the status of Maryland's free blacks, Curtis W. Jacobs outlined a plan designed to enable nonslaveholders to purchase and retain free blacks forced into slavery.³¹² Jacobs submitted resolutions asking the legislature to eliminate the free black class by imposing a choice of emigration or voluntary slavery. Those who failed to do either, he demanded, should be "sold as slaves for life to our citizens." Jacobs called for restrictions to be imposed on the sale of what he called "conscript slaves." His second resolution specified:

³¹⁰ Presentment 1859-31 in S165010: Grand Jury Presentments, SCDAH. The estimate of 10,000 free blacks was accurate; the 1860 Census reported 9,914 free blacks in the state.: Berlin, *Slaves Without Masters*, 136, table 6.

³¹¹ Franklin, "The Enslavement of Free Negroes in North Carolina," 414-415.

³¹² Maryland slaveholders had worried about the state's burgeoning free black population since the 1840s, and met periodically in convention to discuss their concerns. The 1859 convention influenced the legislature to pass a voluntary law in 1860.: Berlin, *Slaves Without Masters*, 210-212, 354-355, 369-371, 374-376, 379-380.

That no slaveholder owning a limited number of slaves shall be eligible to become the owner of any such conscript slaves, and that no person not now an owner of any slave shall become the owner of more than a limited number of such conscript slaves; and that the price of said conscript slaves be made so low, and the payments thereof in such installments, as to enable our citizens of limited means to become the owners of such slaves.

Jacobs wanted to see the “conscript slaves” distributed among as many nonslaveholding buyers as possible. The state would facilitate nonslaveholders’ elevation to the slave owning class by regulating the sale of free blacks. Jacobs’s third resolution recommended another form of state intervention meant to buttress slaveholders’ power: “A law ought to be passed to exempt from execution one or more slaves belonging to any one person.” While the restrictions would make it possible for nonslaveholders to buy slaves, the exemption would entice them to do so. In remarks following the submission of his resolutions, Jacobs revealed the fear of nonslaveholders that drove proponents of slave exemption. He alluded to William Seward’s “discovery that there are only 347,525 slaveholders in the Union,” and “his argument . . . that all others, not slaveholders, are interested in the abolition of that institution.” Jacobs claimed to be sanguine about southern nonslaveholders, but his recommendations to the convention belied that assertion. He worried about the disproportion between slaveholders and nonslaveholders in Maryland and hoped to combine restrictions on the compulsory sale of free blacks into slavery with the exemption of a limited number of all slaves from debt in order to remove the imbalance.³¹³

In the fall of 1860, residents of Currituck County, North Carolina suggested a plan even more rigorously crafted to maximize the distribution among nonslaveholders of free blacks sold into slavery. Thomas S. Sanderson and his fellow petitioners asked the legislature “to relieve . . . this State of the free negro population.” Unlike many southerners, they had “no qualms” about the state’s right “to expel them . . . or to reduce them to . . . slavery.” The petitioners advised the legislature to give free blacks the option of leaving the state or being sold into bondage. Having

³¹³ “Convention for the Proper Regulation of the Colored People of the State,” *Baltimore American*, June 10, 1859. Jacobs represented Worcester County at the convention.

stated a plan for eliminating free blacks, the petitioners explained that sales should be conducted in such a way as to reduce that other anomalous class, nonslaveholding whites. “Sound policy requires,” they wrote, “that all proper means should be resorted to to strengthen the institution of slavery by increasing the number of slave-holding citizens.” The petition recommended the following strictures on the sale of free blacks into slavery:

The right of purchase should be confined to those citizens of the state who are not already owners of slaves; that no one person should be allowed to become the purchaser of more than one, except in the case of mothers and small children, that all negroes so purchased shall be exempt from execution for debt, and not transferable by sale and purchase for a term of years.

Sanderson and the other petitioners hoped to convert as many nonslaveholders into slaveholders as possible through the sale of the state’s free blacks.³¹⁴ They wanted a progressive distribution of the wealth created by free black enslavement in order to bolster the hegemony of the slaveholding class. Thirty thousand free blacks resided in North Carolina in 1860, and their sale under those conditions would have greatly increased the ranks of the 34,000 slaveholders in the state.³¹⁵ The scheme had the advantage over the proposal to generally exempt some slaves from debt in that it provided a pool of slaves for nonslaveholders to purchase and in that it exempted only the slaves owned by fledgling slaveholders. Currituck County’s representative presented the memorial to the House in December 1860, but it received no serious consideration.³¹⁶

The plans elaborated by Jacobs and Sanderson represented the confluence of two critical trends of thought in the late antebellum South. First, white southerners, influenced by proslavery arguments describing blacks as inherently unfit for freedom, increasingly viewed the free black caste as anomalous. In practical terms, the existence and growth of the free black caste, despite

³¹⁴ “Memorial [of] Thomas S. Sanderson,” in Petitions, GA, 1860-61, NCDAH. John Hope Franklin writes that the petition came from “114 citizens of Currituck.”: Franklin, *The Free Negro in North Carolina*, 217. When the author examined the petition at the NCDAH in 2002, the signatures originally affixed to it were no longer there. The House Journal refers to “the memorial of Thomas S. Sanderson and others relating to free negroes.”: *North Carolina House Journal, 1860-61*, 116. The text of the petition is printed in Schweninger, ed., *The Southern Debate over Slavery*, 1:242-243.

³¹⁵ Number of free blacks from Berlin, *Slaves Without Masters*, 136, table 6; Number of slaveholders from Bureau of the Census, *Eighth Census, 1860*, vol. 2, *Agriculture* (Washington: 1864), 247.

³¹⁶ *North Carolina House Journal, 1860-61*, 116.

legal and social restrictions, undermined the proslavery ideology. To secure slavery, ideologues argued, every black in the South must be enslaved. The second development, best illustrated by the campaign to exempt slaves from debt, was the growing tendency to view nonslaveholders as intrinsically unsound on the issue of slavery. Proponents of slave exemption contended that only persons with a direct financial interest in slavery, as slaveholders, could be counted on to defend the institution. Combining the two trends, as Jacobs and Sanderson did, would produce the perfectly rational slave society: every black person a slave, every white man a slaveholder; the *herrenvolk* ideal carried to its logical conclusion. As a grand jury in Kershaw District, South Carolina, declared in 1859: "We should have but two classes the Master and the Slave, and no intermediate class can be other than immensely mischievous to our peculiar institution."³¹⁷ The schemes of Jacobs and Sanderson would eliminate the two intermediate classes simultaneously: for each free black made a slave, one nonslaveholder would enter the master class.

A Petition for the Slave Exemption

Proponents of slave exemption characterized it as a measure demanded by the public, but the only significant popular request for it, in the form of a petition to the legislature, originated with a wealthy Virginia slaveholder.³¹⁸ John Brown's raid on Harper's Ferry in October 1859 alarmed George H. Burwell, a resident of nearby Clarke County and one of Virginia's largest slave owners.³¹⁹ Burwell orchestrated a petition drive imploring the legislature to protect slavery. He worried not about the slaves that Brown had hoped to free, however, but about the loyalty of the state's nonslaveholders. Burwell's petition, because of his wealth and influence, varied from

³¹⁷ Presentment 1859-35 in S165010: Grand Jury Presentments, SCDAH. The grand jury was calling for the removal of free blacks, but its words reflect the common tendency of southerners to elide white nonslaveholders.

³¹⁸ The author's research, conducted at state archives and libraries in Alabama, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, uncovered no other instances of residents asking their legislature to enact a general slave exemption law.

³¹⁹ A document in Burwell's papers detailing his "war tax" lists over 90 slaves.: "War Tax," Burwell Family Papers, VHS. In 1860, only 357 of Virginia's 52,128 slaveholders owned more than 70 slaves, placing Burwell near the apex.: *Eighth Census, 1860*, vol. 2, *Agriculture*, 247. Clarke County lies in a radius from between fifteen to thirty-five miles from Harper's Ferry.

most such efforts, both in its appearance and in the indulgent response it received. Rather than submit a hand-written petition, Burwell printed several copies and distributed them among neighboring counties. In this document, credited to “citizens of Frederick, Jefferson and Clarke counties,” Burwell argued that increasing the number of slaveholders was vital to the state:

It is highly desirable for the perpetuation of the present social relations of Virginia, for the maintenance of peace within her borders, and for a community of interest amongst all her citizens, that the institution of negro slavery should be fostered by such Legislative Acts as may be calculated to bring the ownership of negro property within the means of the Poor as well as of the Rich.

The best way for the legislature to achieve that goal, the petition asserted, would be to pass a law allowing current and future slave owners to have “one good slave” exempt from debt liability. “Under such a law,” it continued, “many mechanics and laboring men generally would purchase one servant to wait on their families.” As these former nonslaveholders became masters, the petition concluded, “a common interest would be added to the social feeling which impels the citizens of Virginia to resist alike invasion from without and treason at home.”³²⁰ Burwell offered a rationale for slave exemption consistent with that given by legislative and editorial proponents of the measure since 1856.

Burwell enjoyed great success in collecting signatures on his petition, both in sheer numbers and in the stature of the signatories. A total of 226 names appear on the petition he submitted to the legislature, mostly from residents of Clarke and Fauquier counties.³²¹ In 1860, three of the four counties represented had a robust proportion of slaveholding, but they sat on Virginia’s demographic fault line. In every county west of Clarke, less than one-fifth of white families held slaves, and the proportion was under one-tenth in most.³²² Burwell convinced some

³²⁰ “Petitions of Citizens of Clarke, Frederick, Jefferson, & Fauquier counties praying the exemption [of] a limited amount of slave property from process for debt,” [Filed in Frederick County petitions, January 16, 1860] LP, LVA. Most of the persons who signed the petition resided either in Clarke or Fauquier County.

³²¹ The petitions bear 145 original signatures and 81 names written in the same hand. Burwell’s signature appears on several copies, but is counted only once.: “Petitions . . . praying the exemption [of] a limited amount of slave property from process for debt,” LP, LVA.

³²² Henry T. Shanks, *The Secession Movement in Virginia, 1847-1861* (Richmond: Garrett and Massie, 1934), 10, map II. In Clarke and Fauquier counties, 40-59% of white families owned slaves in 1860. In Jefferson County, 20-

of the most influential people in the area to sign his petition. Among the signatories were three men elected to the 1861 state convention, John Q. Marr and R. E. Scott from Fauquier County, and Hugh M. Nelson from Clarke County. Another signer, Benjamin J. Morgan, represented Clarke County in the House of Delegates at the 1857-58 session.³²³ The most prominent person was U.S. Senator James M. Mason, a resident of Frederick County. Mason affixed his signature to a copy of the petition that Burwell sent him in Washington and returned it with a brief note. In his note, written December 13, 1859, Mason told Burwell: "Entirely approving its object, I have signed it with pleasure."³²⁴ The next day, in the Senate, Mason contradicted himself on class relations in the South, during the bitter controversy over Helper's *Impending Crisis*. He correctly described the book as "an attempt to array . . . a portion of my fellow-citizens in my own State, who do not own slaves, against those who do own slaves." Mason told Republicans the effort would fail: "Throughout the slave States, there not only is no distinction between those who hold slaves and those who do not hold slaves, but it is not in your power to create it."³²⁵ If he believed his rhetoric, Mason would have had no reason to sign Burwell's petition, as its only rationale for exempting slaves from debt was to induce nonslaveholders to buy them. The disparity between Mason's private actions and his public remarks casts doubt on the claims of other southern congressmen who, when condemning Helper's book, expressed their full confidence in southern nonslaveholders' loyalty to the peculiar institution.

Irrespective of the number of signatories or their status, Burwell's wealth and personal connections ensured that his petition received a fair hearing. Burwell's influence is apparent in a letter addressed to him by a legislator and in the generous treatment accorded to a second petition which he submitted. At the end of the legislative session, Burwell received a solicitous letter from

39% held slaves, and in Frederick, slave owners comprised 10-19% of white families. When West Virginia was created in 1863, Jefferson County became part of it, while both Frederick and Clarke counties sat on the interstate border.

³²³ "Petitions . . . praying the exemption [of] a limited amount of slave property from process for debt," LP, LVA.

³²⁴ James M. Mason to George H. Burwell, December 13, 1859.: Letter included with "Petitions . . . praying the exemption [of] a limited amount of slave property from process for debt," LP, LVA.

³²⁵ *Congressional Globe*, 36th Cong., 1st sess., 148-149.

Warner T. Jones, a member of the House of Delegates, whom he had asked for help. Jones used an ingratiating tone and tried to give Burwell a good opinion of Clarke County delegate A. M. Earle. Discussing the slave exemption petition, Jones told Burwell, “your Delegate, Mr. Earle, manifested considerable interest in the subject . . . and seemed anxious that it should be passed.” He also provided Burwell with a fairly detailed account of the legislature’s handling of the slave exemption issue and of a second petition, dealing with slaves raising hogs. Concluding his letter, Jones asked Burwell to present “my warm regards to the members of your family.”³²⁶ His acquaintance with Jones allowed Burwell to monitor his delegate’s work, it gave his petitions a steadfast supporter in the House, and it provided inside information on the fate of his proposals. Along with the slave exemption petition, Burwell submitted a second one, which requested a law prohibiting slaves and free blacks from raising their own hogs. If the legislature would not pass a general act, the petitioners asked that one “be granted to their own Counties.” Burwell gathered a mere seven signatures, including his own, and sent the petition to the House.³²⁷ The committee to which it was referred, Jones told Burwell, refused to report a general bill against free blacks and slaves raising their own hogs, “but reported a Bill . . . for your county as to slaves.”³²⁸ The bill stated: “It shall not be lawful, within . . . Clarke county, for any slave to keep or raise as his own a hog, or stock of any kind.”³²⁹ In effect, the committee offered a bill representing only the wishes of Burwell and six of his cronies. The bill did not pass, Jones explained, because “the unusually large amount of . . . business” kept it from being acted on by the legislature.³³⁰

³²⁶ Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS. Jones represented Gloucester County. Burwell mailed a copy of the memorial and a letter to Jones in January 1860, asking his support. He sent the signed memorials to A. M. Earle, a Clarke County delegate.

³²⁷ “A Petition from Citizens of Clarke, Jefferson, & Frederick counties praying the passage of law prohibiting slaves or free negroes from raising Hogs,” [Filed in Frederick County petitions, January 21, 1860] LP, LVA. The petition complained that slaves stole provisions to feed their hogs, and that slaves’ ability, with their masters’ permission, to kill and cure hogs made it impossible to prove that bacon in their possession had been stolen.

³²⁸ Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

³²⁹ HB483, “A Bill to prohibit the owner or hirer of any slave, in Clarke county from permitting such slave to raise or keep hogs or other stock separate and apart from his master or hirer,” Rough Bills: 12/5/59-4/2/60. General Assembly. House of Delegates RG79, LVA.

³³⁰ Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

If the friendly treatment of Burwell's hog petition demonstrated the ability of wealthy slaveholders to advance their interests in the legislature, then the rejection of his call for a slave exemption highlighted the limits of that ability in late antebellum Virginia. Despite Burwell's wealth, the exalted status of some of the petition's signers, and the solicitous attention of some lawmakers, his request did not come close to being enacted. On January 16, 1860, A. M. Earle diligently presented the slave exemption petition to the House, which sent it to a committee.³³¹ Jones served on the committee, and told Burwell that other slave exemption proposals had been "previously referred" to it, and rejected, during the session. Although he and other members of the committee argued for the measure, Jones wrote, the majority opposed it and refused to submit a bill.³³² Later in the session, on March 16, 1860, one delegate tried to amend a personal property exemption bill to include one slave, but his motion was overwhelmingly rejected by a vote of 63 to 21.³³³ Jones told Burwell that the amendment "was advocated by myself and others, but . . . with no better success than before the committee."³³⁴ The House, whose members were elected on the white basis since the constitutional revision of the early 1850s, had little interest in buttressing slave owners' power by exempting slaves from debt. The petition was orchestrated by a wealthy slave owner, not the nonslaveholders who ostensibly stood to benefit, further demonstrating that the slave exemption campaign was a top-down effort, to be imposed by the slaveholding class in order to shore up its hegemonic position.

Slave Exemption Proposals in the Secession Crisis and Beyond

Even as they led their states out of the Union in order to preserve slavery, ideologues continued to press for exempting one slave from debt. On November 28, 1860, days before South

³³¹ *Virginia House Journal*, 1859-60, 212.

³³² Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

³³³ *Virginia House Journal*, 1859-60, 460.

³³⁴ Warner T. Jones to George H. Burwell, March 31, 1860, Burwell Family Papers, VHS.

Carolina held its vote for delegates to the state convention, the *Edgefield Advertiser* printed “A Proposition to Slaveholders,” from a man who claimed to be a nonslaveholder. The writer was confident that South Carolina would secede and be joined by “the whole South,” but he noted “a fact, which . . . is perhaps an *evil*.” Like so many others, he worried about the “small proportion of our white population” which owned the South’s four million slaves. “Policy,” he maintained, “should dictate a different state of things.” The writer issued the familiar disclaimers, saying he would neither make “an invidious distinction” between slave owners and nonslaveholders, nor would he claim “less patriotism for the non-slave owner, than the slave owner.” Nevertheless, he offered a bold plan for a wider distribution of the property which all southerners would be asked to defend. The writer suggested: “That . . . all slaveholders, in proportion to the quantity owned, say one out of every ten, sell to your neighbor non-slave holder, one slave if no more—at least one.” Although he had just denied that nonslaveholders were less ‘patriotic’ than slave owners, the writer said bringing them into the master class “might make *interest* supply the deficiency of patriotism.” Displaying a realistic appraisal of nonslaveholders’ ability to purchase slaves, which was so often missing from the rhetoric of exemption proponents, the writer called for slave owners to extend generous terms. “When you . . . slave owners, sell this one slave,” he advised, “if the purchaser can’t pay you cash—*wait awhile*—let the right remain in you until you are paid.” He was challenging slave owners to demonstrate southern patriotism by sacrificing their self-interest in order to create a more diffuse common interest in slavery. The writer offered a final suggestion to slave owners selling bondsmen to nonslaveholders: “For your protection and theirs too, ask your legislature to exempt . . . one slave to each head of a family.”³³⁵ That would have prevented a nonslaveholder’s mortgaged slave from being sold to pay his other creditors, but it would not have kept the original owner from repossessing the slave if the nonslaveholder failed

³³⁵ “A Proposition to Slaveholders,” *Edgefield Advertiser*, November 28, 1860. The writer identified himself only as “A Minute Man,” but Paul D. Escott credits authorship of “A Proposition to Slaveholders” to Judge Robert S. Hudson of Mississippi.: Paul D. Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1978), 29.

to pay.³³⁶ At a time when secessionist propaganda incessantly told nonslaveholders that their interests were tied to slavery, the author of “A Proposition” showed the lingering distrust of that class.

From secession into the war years, the slave exemption idea was increasingly teamed with proposals to impose a ceiling on the number of slaves that any individual could own. Those who favored restrictions on the size of a master’s holdings argued that when a slaveholder owned too many slaves, he could not devote sufficient attention to them. The belief that some planters simply owned too many bondsmen had long been present in the minds of exemption proponents. In 1856, the *New Orleans Delta* argued: “There are too many non-slaveholders in the South; there are too many large slaveholders; and the institution needs . . . diffusion amongst a greater number. The . . . slave exemption . . . would go far towards affording a remedy.”³³⁷ When Alabama’s Governor John Winston recommended the measure, he said that when slaves were distributed among more white families, “the direct contact of the owners and owned is increased . . . and the personal comfort and happiness of the slave secured.”³³⁸ Just after Louisiana’s convention voted for secession, a state resident penned several articles offering advice “To the Convention and the Legislature.” In the first of these, he proposed two measures; one to break up inordinate concentrations of slave property, and the second to induce ownership by nonslaveholders. The writer claimed that “one of our greatest evils,” likely to be exposed during a crisis, was “large gangs of negroes . . . seldom brought into contact with and under the moral power of their owner.” To alleviate the problem, he asked the legislature to “impose a discouraging tax on the ownership by one man of more than a certain number of negroes.” He also suggested exempting “a certain amount of negro property” from debt. “This,” he argued, “would diffuse the institution, give a direct benefit to more persons, and augment the number of those, from necessity, as well as

³³⁶ Mississippi law, which exempted one slave, stated: “No property shall be exempt . . . when the purchase-money thereof forms . . . the debt on which the judgment is founded.”: *Revised Code of Mississippi*, 530.

³³⁷ “Slavery and the Slave Trade,” *New Orleans Daily Delta*, November 14, 1856.

³³⁸ *Alabama Senate Journal*, 1857-58, 23.

feeling, to defend it by voting, as well as fighting.” Perhaps expecting the convention to submit its ordinance of secession to a popular referendum, he declared: “The power in our country is a voting power—each vote counts.”³³⁹ In her work on slavery reform in South Carolina, Kimberly Kellison shows that, in 1864, two religious publications linked the problem of excessive holdings to the need to diffuse slave owning. The *Confederate Baptist* lamented: “The aggregation of our slaves, instead of their dispersion. . . . places them . . . beyond the master’s care.” It alluded to slave exemption, approving of Governor Adams’s “desire to see every man the owner of at least one slave.” The diffusion called for by Adams, it said, would secure the institution and benefit slaves by placing them under “the immediate and constant influence of their owners.”³⁴⁰ Where the *Baptist* focused on slaves’ well-being and the maintenance of control over them, a second publication, the *Southern Christian Advocate*, worried more about the potential for class conflict. The *Advocate*, Kellison summarizes, suggested a law “to limit the number of slaves a person could hold,” along with one “protecting a small number of slaves in each household from taxation or seizure.”³⁴¹ This combination, the *Advocate* contended, would civilize slaves by bringing them into more immediate and regular contact with masters. Moreover, increased slaveholding among whites would create “a general investment in slavery,” and leave the North unable to spark “[bad] feeling . . . between the slave-holding and the non-slave holding population.”³⁴² The fact that “so small a proportion of its population is directly interested in slavery,” the *Advocate* worried, was the Confederacy’s “heel of Achilles.”³⁴³ After three years of war, in which hundreds of thousands

³³⁹ “To the Convention and the Legislature,” *New Orleans Daily Picayune*, February 1, 1861. Louisiana experienced a striking combination of decreased slaveholding with an increasing concentration of ownership among large planters. During the 1850s, although slaves remained approximately 47% of the total population, the share of slaveholders in the free population declined from 43% to 32% in 1860. At the same time, the share of slaves held by owners of more than 100 increased from 21% to 28% in 1860.: Gray, *History of Agriculture in the Southern United States To 1860*, 1:482, table 7; 1:530, table 10; 2:656, table 21.

³⁴⁰ *Confederate Baptist*, June 1, 1864, quoted in Kimberly R. Kellison, “Coming to Christ: The Impact of Evangelical Christianity on Upcountry South Carolina, 1830-1890” (Ph.D. Dissertation: University of South Carolina, 1997), 231-232.

³⁴¹ Kellison, “Coming to Christ,” 234.

³⁴² *Southern Christian Advocate*, May 12, 1864, quoted in Kellison, “Coming to Christ,” 234-235.

³⁴³ *Southern Christian Advocate*, May 12, 1864, quoted in Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South* (Baton Rouge: Louisiana State University Press, 1988), 74.

of nonslaveholders had faced death, injury, and disease, proslavery southerners continued to seek a diffusion of slave owning because they believed nonslaveholders were inherently suspect.

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From 1856 until the start of the Civil War, the slave exemption proposal won lasting and widespread support from southern legislators, as well as the endorsement of two more governors. Lawmakers in nine of the eleven states which eventually left the Union tried to pass the measure, often on several occasions. These proponents consistently enunciated a rationale which focused on the need to strengthen slavery by bringing large numbers of nonslaveholders into the master class. After enjoying an initial success in Mississippi, slave exemption lost momentum because of the economic Panic of 1857 and doubts about the measure's efficacy as a means of demographic change. Nevertheless, its supporters in state legislatures doggedly continued their efforts to pass a slave exemption law. The nonslaveholders who ostensibly stood to benefit from the measure showed no enthusiasm for it, and their representatives in state legislatures resisted it as giving privileged treatment to the wealthy. Lawmakers who promoted the slave exemption were neither concerned with giving practical relief to debtors nor with protecting slave mothers and children; their sole interest was to maintain the hegemony of slaveholders. These proponents tried to exempt slaves in states that did not protect a debtor's homestead and they also hindered the passage of practical legislation by attempting to add slaves to the list of exempted property. In addition, the bills they introduced granted only scant protection, if any, to slave families. That indifference to debtors' real needs and to slaves' humanity demonstrates that, after 1856, the slave exemption proposal was nothing more than a vehicle for inducing nonslaveholders to purchase bondsmen. The robust support for the measure in the last four years before the Civil War thus reveals, better than any other index, the popularity of the belief that only a direct interest in slavery, through ownership, ensured a person's loyalty to the peculiar institution.

Chapter Four:

The Impending Crisis and the Speaker Fight

The question of nonslaveholders' loyalty entered the national mainstream in December 1859, when the House of Representatives commenced a bitter debate over Hinton Helper's book, *The Impending Crisis of the South*. Published in 1857, the book attempted to convince southern nonslaveholders that their self-interest necessitated the abolition of slavery. For over two years, proslavery southerners ignored the book's critique of slavery and launched ad hominem attacks on its author, a North Carolina native. In November 1859, however, defenders of slavery reacted when the *New York Herald* revealed that more than sixty Republican congressmen had endorsed an effort to solicit funds for a widespread distribution of Helper's book. One of those endorsers was John Sherman of Ohio, the Republican choice for Speaker of the House. When the House met in December, southern representatives asserted that no man who supported the book should be Speaker, on the grounds that that it was treasonous. For almost two months the House could not elect a Speaker, an impasse broken only when Sherman withdrew his candidacy. During that time, southern congressmen denounced *The Impending Crisis* and maintained that Republican endorsement of the book showed that the party intended to attack slavery by trying to win over nonslaveholders. The controversy reverberated across the South, bringing latent fears of class conflict to the fore and provoking renewed censorship and repression. For slave owners worried about nonslaveholders' loyalty, the alliance between Helper and the Republican party seemed to be the fruition of their worst fears.

Dedicated to the "non-slaveholding whites of the South," *The Impending Crisis* criticized slavery from an economic standpoint. Hinton Helper used data from the 1850 census to compare the sections on a variety of indices, including manufacturing, railroads, and population growth. "The South," he concluded, "bears nothing like even a respectable approximation to the North, in navigation, commerce or manufactures." Helper, born and raised in North Carolina, said he was

troubled by the disparity and wanted to improve his native region. With single-minded focus, he attributed southern problems to a root cause: "Slavery, and nothing but slavery, has retarded the progress and prosperity of our portion of the Union." The only way the South could emerge from its doldrums and compete with the North, he wrote, was to abolish the institution.¹ By focusing on economics, Helper followed other southern dissidents who argued that slavery encouraged wasteful agriculture, hampered industry, impeded commerce, and stifled population growth. His claims echoed those of men like Cassius Clay and James Birney of Kentucky, Henry Ruffner of Virginia, W. H. Hulbert of South Carolina, and Daniel Goodloe of North Carolina.² Helper departed from this regional antislavery tradition, however, by asserting that every southerner should "declare himself an . . . uncompromising abolitionist," and embracing the label himself.³

The distinctive characteristic of *The Impending Crisis* was its overriding concern with slavery's harmful effects on white nonslaveholders. Earlier southern critics made that point, but without reaching the pitch of furious indignation that marked Helper's effort. Slavery, he wrote, condemned the majority of southern whites to a life of poverty and ignorance. The value of their land fell because of "the influence which slavery invariably exercises" on real estate. Moreover, slavery hurt white workers by imparting a belief that manual labor was degrading. Any white man who earned a living by the sweat of his brow, Helper complained, "is treated as if he were a loathsome beast." In conjunction with its negative impact on nonslaveholders' material wealth, slavery perpetuated conditions which restricted their ability to escape poverty. "Slavery is hostile to general education," Helper argued, "its strength . . . is in the ignorance and stolidity of the masses." If nonslaveholders ever hoped to win dignity and success in the South, he advised, they

¹ Hinton Rowan Helper, *The Impending Crisis of the South: How to Meet It* (1857; reprint, with an introduction by George M. Fredrickson, Cambridge: Belknap Press of Harvard University Press, 1968), 3, 60, 32.

² Kenneth M. Stampp, "The Fate of the Southern Antislavery Movement," *Journal of Negro History* 28 (January 1943): 10-22; *idem*, "The Southern Refutation of the Proslavery Argument," *North Carolina Historical Review* 21 (January 1944): 35-45.

³ Helper, *The Impending Crisis*, 27. Clement Eaton wrote that most southern critics "scorned the name of abolitionist." Clement Eaton, *Freedom of Thought in the Old South* (Durham: Duke University Press, 1940), 278.

must abolish the institution. “Slavery,” Helper wrote, “is the only impediment to your progress.”⁴ *The Impending Crisis* described an irreconcilable conflict between the interests of slave owners and nonslaveholders.

Any effort to abolish slavery, Helper warned, would be met by a slaveholding oligarchy determined to maintain its wealth and power. In words that undermined the central tenet of the proslavery argument, he maintained that “slavery benefits no one but its immediate, individual owners.” To preserve its favored economic position, the minority slave owning class exercised control over every aspect of southern society. “There is no legislation except for the benefit of slavery, and slaveholders,” Helper maintained. Nonslaveholders had little voice in shaping the laws, and their knowledge of public affairs was limited. In addition, Helper wrote, slaveholders “are the exclusive manufacturers of public sentiment,” a power they employed to discredit any incipient opposition. The civil liberties of white citizens in the South were often violated, he argued, because “slavery tolerates . . . no freedom of opinion.” Slaveholders’ control of public opinion and censorship of dissent were so effective, Helper lamented, that nonslaveholders had been induced to oppose their own “dearest rights and interests.” With *The Impending Crisis*, he attempted to bring nonslaveholders to an understanding of their class interests. As they could not expect “voluntary justice from the slaveholders,” Helper declared, nonslaveholders had to “mark out an independent course” to improve their position in the South.⁵

In his advice to southern nonslaveholders, Helper emphasized using the political system to effect the peaceful abolition of slavery. “We have the power now,” he announced, reminding nonslaveholders of the latent strength inherent to their majority status. Helper’s confidence in the ability of the nonslaveholding majority to achieve the goal was so great that he told slaveholders: “Give us fair-play, secure to us the right of discussion, the freedom of speech, and we will settle the difficulty at the ballot-box, not on the battleground.” At any rate, he said, nonslaveholders

⁴ Helper, *The Impending Crisis*, 123, 41, 408, 359.

⁵ Ibid., 329, 42, 147, 410, 120, 153.

were determined to protect their interests and would not be deterred by repressive tactics. “It is for you to decide,” Helper warned slave owners, “whether we are to have justice peaceably or by violence.” At one point, however, he departed from emphasizing political change by writing that the slaves, in most cases, “would be delighted with an opportunity to cut their masters’ throats.” Proslavery ideologues focused on that statement to characterize *The Impending Crisis* as a book meant to raise a slave revolt, rather than what it was: a manifesto calling on nonslaveholders to end slavery by legitimate political activity.⁶ The course of action that Helper recommended to southern nonslaveholders was not a truly independent one, for he advised them to ally with the Republican party. He had some qualms, for the party opposed only slavery’s further expansion, while making “no positive attack upon the institution in the Southern States.” Nevertheless, he advised nonslaveholders to act with the Republican party, claiming that “it is . . . the destiny of this party, to give the death-blow to slavery.”⁷ That recommendation lifted *The Impending Crisis* beyond the pale of any other southern opposition to slavery, making it a formidable threat to the institution’s future. By appealing to nonslaveholders’ self-interest and advising them to ally with the Republican party, Helper created a scenario for the peaceful abolition of slavery in the South.

The Impending Crisis repeatedly expressed the bitter racism endemic in the population of southern nonslaveholders to which it was directed. Much of Helper’s dislike for slavery stemmed from hatred of the bondsmen themselves, whom he characterized as “stupid and vulgar.” Like many nonslaveholders, he resented the fact that some masters valued slaves more than they did their fellow whites. “As a general rule,” he complained, “poor white persons are regarded with less esteem and attention than negroes.” Helper was particularly offended by the intimacy which prevailed between the races on many plantations. With disgust, he wrote that many slaveholders, as infants, had “sucked in the corrupt milk of slavery from the breasts of . . . sable concubines.” Because of his racism, Helper wanted to remove all black persons from the United States after the

⁶ Ibid., 257, 149, 128, 149.

⁷ Ibid., 113-114, 234.

abolition of slavery. In his book, he specified that some of the money collected from taxes on slaves would be earmarked for colonization. The funds gathered “would be amply sufficient to land every negro in this country on the coast of Liberia.”⁸ Helper’s racism and his plan to remove all blacks would have helped his effort to persuade nonslaveholders, who had no use for maudlin descriptions of the slave’s plight and did not want to live among millions of freedmen.

Helper wanted *The Impending Crisis* to provoke debate within the South on the merits of slavery, but he was disappointed. Despite his repeated assertions that slavery could not withstand such examination, he invited proslavery men to engage in a colloquy. Seeking a response to his critique, Helper asked the “advocates of slavery to favor us with an *exposé* of . . . the advantages of their favorite and peculiar institution.”⁹ Some effort at rebuttal would have been in order, for *The Impending Crisis* delivered a ringing indictment of slavery. In commercial conventions and in the pages of their newspapers and journals, southerners constantly discussed the economic shortcomings which Helper’s book detailed. While they admitted the symptoms of a regional malady, proslavery southerners could not agree with his diagnosis, because their belief in slavery led them to discount or rationalize its harmful effects. Helper’s book had a conceptual unity which attributed all of these problems to the continued existence of slavery, and he maintained that nonslaveholders would not progress until they abolished the institution. By ignoring moral issues and concentrating upon slavery’s effects on white people, Helper presented a case which might have been persuasive to nonslaveholders. When *The Impending Crisis* first appeared in June 1857, however, proslavery ideologues refused to offer any substantive response to its attack on slavery. A few newspapers mentioned the book but only to warn of its dangerous nature and to launch personal attacks on Helper.¹⁰ In early 1858, *The Impending Crisis* received notice in Congress, when Massachusetts senator Henry Wilson described it as an authoritative study of

⁸ Ibid., 105, 42, 169, 182.

⁹ Ibid., 280.

¹⁰ Hugh C. Bailey, *Hinton Rowan Helper: Abolitionist-Racist* (Montgomery: University of Alabama Press, 1965), 42-43; Jack J. Cardoso, “Southern Reaction to *The Impending Crisis*,” *Civil War History* 16 (March 1970): 5-7.

southern society.¹¹ Two weeks later, North Carolina senator Asa Biggs responded by denouncing Helper and his book. Like the newspapers that reviewed the book, Biggs attacked Helper's character and never ventured to refute his arguments.¹² The South generally remained silent on *The Impending Crisis* until the Speaker fight began in 1859.

Helper showed an affinity for self-promotion and he delighted in taunting his ideological opponents. Upon publication of *The Impending Crisis*, he managed to advertise in, and secure a notice from, his hometown newspaper, the *Salisbury Carolina Watchman*.¹³ He kept the nature of his book a secret from the newspaper, a fact it angrily reported in its next issue.¹⁴ Helper's act of deception won him the lasting enmity of the *Watchman*, which ran personal attacks throughout the summer of 1857.¹⁵ To defend himself from those, and other assaults on his reputation, Helper issued two public letters. In the first, dated August 25, 1857, he challenged proslavery men to meet his arguments rather than slander him. Helper wrote: "My book is a fair target for the shafts of criticism. I should not have published it, had I been afraid to subject it to the fiercest assaults."¹⁶ The letter did not convince Helper's opponents to desist from their attacks, and he issued a second one in April 1858.¹⁷ Although Helper failed to put a stop to the personal attacks, he won attention for his book by transmitting copies of it to a number of southern politicians. He personally handed copies to the current, and a former, governor of North Carolina, John W. Ellis and John M. Morehead, respectively.¹⁸ In December 1859, Florida governor Madison S. Perry asked the state legislature to act against incendiary documents after he received a copy of *The Impending Crisis* through the mail.¹⁹ Helper's masterstroke came during the Speaker fight, when

¹¹ *Congressional Globe*, 35th Cong., 1st sess., appendix, 172.

¹² *Congressional Globe*, 35th Cong., 1st sess., 1459-1460.

¹³ "A New Book," *Salisbury Carolina Watchman*, June 23, 1857.

¹⁴ *Salisbury Carolina Watchman*, June 30, 1857.

¹⁵ *Salisbury Carolina Watchman*, July 28, 1857; August 4, 1857; August 18, 1857; September 1, 1857; September 22, 1857.

¹⁶ "To the Public," circular dated August 25, 1857, in Benjamin Sherwood Hedrick Papers, SHC.

¹⁷ "Deacon Brown," circular dated April 7, 1858, in Benjamin Sherwood Hedrick Papers, SHC.

¹⁸ Cardoso, "Southern Reaction to *The Impending Crisis*," 10.

¹⁹ "Incendiary Publications--Special Message," *Charleston Daily Courier*, December 21, 1859. Perry did not reveal who sent the book to him, but the act smacks of Helper's sensibilities.

he sent a copy to Missouri representative John B. Clark, whose resolution initiated the crisis in the House. Along with it, Helper included “a letter, returning that gentleman his sincere thanks for the magnificent advertisements he has bestowed, free of charge, upon his book.”²⁰ Months after the controversy, in June 1860, “every Senator found on his desk an enlarged and handsome bound edition” of *The Impending Crisis*.²¹ Helper seized every opportunity to draw attention to his book and enhance its circulation.

In the North, Helper succeeded in winning influential support for *The Impending Crisis*, which had much in common with the Republican party’s critique of slavery. Moving to New York, Helper sought the assistance of prominent Republicans, and he entreated influential editor Horace Greeley to recognize the importance of his book.²² He convinced the latter, and the day *The Impending Crisis* was published, Greeley’s *New York Tribune* carried an advertisement for the book on its front page.²³ Two weeks later, the *Tribune* printed a favorable review including “copious extracts” from the book. Greeley described Helper as a spokesman for “the rights and interests of the laboring white men of the Slaveholding States,” and said the book’s provenance indicated that “a new spirit is beginning to breathe over the South.”²⁴ Republican and abolitionist publications echoed the *Tribune*’s complimentary assessment of Helper’s book.²⁵ In late summer 1857, Helper’s publisher issued a circular with excerpts of friendly reviews from many northern journals and newspapers.²⁶ Helper made important contacts in the Republican party with the help of Greeley, and his efforts to have *The Impending Crisis* widely circulated neared fruition. William Chace, Republican party treasurer, suggested that funds be used to distribute a digest of it before the 1858 elections, but the proposal was shelved due to the economic Panic of 1857.²⁷

²⁰ *Charleston Mercury*, January 5, 1860; *Edgefield Advertiser*, January 11, 1860.

²¹ *Philadelphia Inquirer* in *Greenville Patriot and Mountaineer*, June 26, 1860.

²² Bailey, *Hinton Rowan Helper: Abolitionist-Racist*, 41.

²³ *New York Tribune*, June 26, 1857. The ad included a favorable review from the *Boston Daily Traveler*.

²⁴ “The Resurrection of the Dry Bones,” *New York Tribune*, July 13, 1857.

²⁵ Bailey, *Hinton Rowan Helper: Abolitionist-Racist*, 42.

²⁶ “Just Published, the Greatest Anti-Slavery Book Ever Produced!” n.d. circular, ca. 1857, in Benjamin Sherwood Hedrick Papers, SHC. The circular declares that the book was “only Ten Weeks Published!!!”

²⁷ Cardoso, “Southern Reaction to *The Impending Crisis*,” 7-8.

Helper persisted and, with Greeley and Chace, solicited contributions for the distribution of his book. After a year, the men were disappointed with the results of their labors, and changed their approach.²⁸ On March 9, 1859, they issued a circular endorsing an “extensive circulation” of a short version of the book and asking for donations to defray the cost of printing and distributing 100,000 copies. The document carried the signatures of sixty-eight Republican congressmen, members of the Thirty-fifth Congress, in support of the project. It argued: “Were every citizen in possession of . . . this book, we feel confident that slavery would soon peacefully pass away.”²⁹ Proslavery men could not abide that possibility and, when the circular became public knowledge in November 1859, they launched a bitter attack on *The Impending Crisis* and its northern allies.

In preparing the *Compendium of the Impending Crisis*, the shorter version described in the circular, Helper overstepped the limits of his charge from the Republicans. He yielded to their wishes by excising some violent language and deleting passages critical of the party, but he remained firm on the central issue. Helper later wrote that the committee wanted a “document that would operate against slavery in the territories only,” while he insisted on a “a document that would operate against slavery everywhere—in the States no less than in the Territories.” After much haggling with the committee, he said, “I finally triumphed.”³⁰ The *Compendium* retained his call for independent political action by nonslaveholders, with abolition in the South as their goal. Helper’s intransigence, combined with the fact that the endorsements were gathered before the *Compendium* was completed, put Republican congressmen in a difficult position. John Sherman, whose support for the *Compendium* derailed his hopes of becoming Speaker, told his brother, “I never read the book.”³¹ Most endorsers relied on the committee to keep the book in accord with the Republicans’ party line. Benjamin Stanton of Illinois explained: “Entire

²⁸ Bailey, *Hinton Rowan Helper: Abolitionist-Racist*, 44–49.

²⁹ Hinton Rowan Helper, *The Impending Crisis of the South: How to Meet It*, enlarged edition (New York: A. B. Burdick, 1860), ix–x.

³⁰ *Ibid.*, xii.

³¹ John Sherman to William T. Sherman, December 24, 1859, in *The Sherman Letters: Correspondence Between General and Senator Sherman from 1837 to 1891*, ed. Rachel Sherman Thorndike (New York: Charles Scribner’s Sons, 1894), 78.

confidence was reposed in these gentlemen.”³² By allowing Helper to call for abolishing slavery in his *Compendium*, the committee tacitly granted Republican consent to a stand which the party had not taken. Many Republicans hoped a victory in the presidential election would lead to an antislavery party in the South, but they disagreed as to whether a Republican executive should use federal power to induce that development.³³ In endorsing Helper’s book, the Republican party seemed to commit itself to an effort to abolish slavery through the creation of a southern wing of the party, composed of nonslaveholders.

John Brown’s raid on Harper’s Ferry provided the impetus for a proslavery assault on *The Impending Crisis* and the Republican party. After the raid, Democrats looked for evidence of Republican complicity, and the circular, signed by sixty-eight congressmen, seemed to fit the bill. On November 26, 1859, the *New York Herald* carried a front page exposé of Republican support for Helper’s book, reprinting the circular and passages from the *Compendium*.³⁴ It baldly asserted that, in the book, “the republican party is declared to be completely abolitionised.”³⁵ Appearing just days before Congress met, the *Herald’s* revelations brought the circular to the attention of southern leaders and ensured that Helper’s book would become a divisive issue. When Congress began its session on December 5, the Speaker’s election promised to be interesting, as neither of the two major parties had a majority. No candidate received enough votes on the first ballot and, before the House could proceed to a second, Democrat John B. Clark of Missouri introduced a resolution which started the longest Speaker fight in United States history. It declared:

That the doctrines and sentiments of a certain book, called “The Impending Crisis of the South—How to Meet It,” . . . are insurrectionary and hostile to the domestic peace of the country, and that no member of this House who has indorsed and recommended it, or the compend from it, is fit to be Speaker of this House.

³² *Congressional Globe*, 36th Cong., 1st sess., 22.

³³ Foner, *Free Soil, Free Labor, Free Men*, 119-123, 207-208.

³⁴ *New York Herald*, November 26, 1859.

³⁵ “Revolutionary Designs of the Abolitionists—New York Names Endorsing Treason,” *New York Herald*, November 26, 1859.

Clark had the circular and extracts from the *Compendium* read into the *Congressional Globe* and he attacked the endorsers. His remarks evinced a clear understanding of the book and showed that he did not mistake it for an attempt to create a slave rebellion. Clark maintained that the book's Republican endorsers "say that the riches of the South are neglected . . . that . . . slavery does it; and that, therefore, non-slaveholders at the South should . . . drive out the plague of slavery." He asked if the South could expect "such men" to defend "the integrity of the Constitution."³⁶ A Republican effort to convince nonslaveholders to oppose slavery would not have violated the Constitution, but Clark's reaction demonstrated how much the possibility frightened proslavery men. The resolution delayed organization of the House for almost two months, until February 1, 1860. After thirty-nine inconclusive votes, Sherman withdrew, and New Jersey Republican William Pennington, who had not endorsed the *Compendium*, was elected Speaker on the forty-fourth ballot. While they were not casting votes, representatives engaged in a protracted discussion of Helper's book, leading one observer to declare that "the House is now nothing more than a political mass meeting."³⁷ This discussion, dominated by criticism of the Republican party, showed that southern representatives knew the nature of Helper's book and that his arguments touched a sore spot for proslavery ideologues.

Southern Democrats in both houses of Congress maintained that William Seward's "irrepressible conflict" speech, John Brown's raid, and Helper's *Compendium* were integrally related parts of a Republican plot to abolish slavery. Senator Albert G. Brown of Mississippi blamed Republicans for Harper's Ferry, saying Brown was "less guilty than the great men who prompted him to his misconduct."³⁸ Others contended that Brown expected the assistance of Virginia nonslaveholders in his bid to overthrow slavery. Mississippi's Reuben Davis asserted: "The book [Helper's] and speech [Seward's] were put forward . . . to prepare the mind of the non-

³⁶ *Congressional Globe*, 36th Cong., 1st sess., 1-3, 16-17. The House membership included 109 Republicans, 101 Democrats, 26 Americans, and 1 Whig.

³⁷ "Correspondence of the Courier," *Charleston Daily Courier*, December 28, 1859.

³⁸ *Congressional Globe*, 36th Cong., 1st sess., 34. See also Lawrence Keitt (SC), 24; Senator Robert Toombs (GA), *Congressional Globe*, 36th Cong., 1st sess., appendix, 92.

slaveholding white man South for the then organized invasion of Virginia.” Senator Andrew Johnson argued that Brown’s group anticipated that “a portion of the white population . . . would flock to their standard.”³⁹ Republican claims to respect slavery where it already existed, southern lawmakers charged, were belied by recent events. Albert G. Brown claimed Republicans “mean to abolish slavery in the States; and . . . mean to do it promptly.” Referring to the *Compendium*, Thomas Davidson of Louisiana told his partisan opponents: “To exterminate slavery wherever it exists is your watch-cry and creed. . . . for that you scatter this book broadcast over the nation.” Virginia’s William D. Smith contended that the party represented northern abolitionism, saying that many of his constituents now believed the Republicans “had assumed the place and duty of that fanatical party.”⁴⁰ Such accusations cast the party as a threat to the very existence of slavery, and not merely to its expansion into the territories. Proslavery spokesmen continued to describe the Republican party in this manner throughout the 1860 presidential election.

Many of the southern Democrats who excoriated the Republican party showed that they, like John B. Clark, were keenly aware that Helper’s book was aimed at nonslaveholders. During the debate, Alabama’s Jabez L. M. Curry muddled the issue, arguing: “At the South . . . we are not accustomed to distinguish very accurately and precisely between the different degrees of opposition to . . . our institutions.”⁴¹ That was not true in Helper’s case, for southern lawmakers discerned the particular manner in which he planned to abolish slavery and expressed anger over Republican support for an attempt to sway their constituents. Roger Pryor of Virginia recognized that “the peculiarity of the book,” was that it “invoked . . . the non-slaveholders of the South to rise in rebellion against the slaveholders.” For him, the vital question to be put to John Sherman was: “Does he approve that specific feature of Helper’s book?” Pryor argued that Sherman and

³⁹ *Congressional Globe*, 36th Cong., 1st sess., appendix, 36; *Congressional Globe*, 36th Cong., 1st sess., 105. Christopher Memminger expressed this idea to the Virginia legislature, “Address of the Hon. C. G. Memminger,” *Richmond Semi-Weekly Enquirer*, February 3, 1860. See also *Richmond Whig* in *Charleston Daily Courier*, January 14, 1860; “The Secession of the South,” *DeBow’s Review* 28 (April 1860): 380.

⁴⁰ *Congressional Globe*, 36th Cong., 1st sess., 145, 201, 264.

⁴¹ *Congressional Globe*, 36th Cong., 1st sess., 95.

his party wanted to effect Helper's plan, stating: "You have here now the Republican party avowing these ideas and aspiring to these ends."⁴² William D. Smith posed the same question to Sherman, asking: "Does he disclaim the doctrines of the Helper book?" Smith understood that by appealing to nonslaveholders, the Republican party could evade the Constitution's protection of slavery in the states. He noted: "There are different ways of operating on slavery; . . . means other than those which John Brown resorted to." Helper's book, he warned, "proclaims . . . that the white non-slaveholders of the slave States would be one of the greatest agents of abolition."⁴³ Virginia senator James Mason contended that Republicans financed Helper's *Compendium* "to get up a feeling of hostility, hatred, and non-intercourse between two classes of people" in the South. He interpreted the endorsement of Helper's book as a renunciation of the party's pledge to respect slavery where it already existed. Mason asked Republican legislators: "If it is a part of the principles of your party that you do not intend to interfere with slavery in the States, why do you indorse this book of Helper's that recommends civil discord and dissension . . . among the people in the slave States?"⁴⁴ Georgia's John Underwood recognized that "the peculiar feature of that book is that it is addressed to the non-slaveholder in the slaveholding States."⁴⁵ In attacking the Republican endorsers of Helper's book, slave state Democrats showed that they were most exercised by the nature of its appeal to southern nonslaveholders. For those proslavery leaders, *The Impending Crisis* was not merely another attack on slavery; it represented a clear and present danger to the institution.

James L. Pugh of Alabama thoroughly developed the implications of Republican support for Helper's book, detailing how the circulation of *The Impending Crisis* could lead to a peaceful end to slavery. He accused Republicans of planning to circumvent the protection afforded to

⁴² *Congressional Globe*, 36th Cong., 1st sess., 49.

⁴³ *Congressional Globe*, 36th Cong., 1st sess., 241-242.

⁴⁴ *Congressional Globe*, 36th Cong., 1st sess., 148-149.

⁴⁵ *Congressional Globe*, 36th Cong., 1st sess., 460, 462.

slavery and abolish the institution.⁴⁶ Pugh asked: “Now why is it that you do not extend your war upon slavery into the States? In the abstract you are an enemy of the institution wherever it exists. Then the only reason why you stop at State lines, is the want of constitutional power.” He contended that “the ‘irrepressible conflict’ doctrine” enunciated by William Seward in an 1858 speech, was meant to supply “the want of constitutional authority in Congress to abolish slavery in the States.” Seward had asserted the existence of an “irrepressible conflict,” Pugh claimed, to persuade the southern nonslaveholder “that his labor and the labor of the slave are in ruinous conflict; that one or the other system of labor must go down and pass away.” Similar motives, he contended, informed the Republican decision to circulate “the Helper book.” Pugh addressed the endorsers of Helper’s *Compendium*:

I ask those members if their object was not to convince the non-slaveholder at the South that his condition as a white laborer would be vastly improved by the absence of slavery from the States? . . . And when you attempt to reëducate him, is it not your hope that you will lay the predicate for an anti-slavery organization in the southern States, which will ultimately strike down slavery there by changing the State constitutions?⁴⁷

In essence, Pugh argued that the Republican party would try to persuade the majority of southern white citizens that slavery harmed their interests and that those citizens would proceed to vote slavery out of existence. To quash debate within the slave states, southern Democrats cited the need for public safety. Referring to the idea of an “irrepressible conflict” between free and slave labor, Albert G. Brown said: “No such doctrine could be taught there, because our safety, our domestic quietude, our peace . . . depends upon the repression of such doctrines with us.” Georgia senator Robert Toombs flatly declared that no Helper endorser could cross the Potomac and circulate *The Impending Crisis*, “without finding himself in the State prison.”⁴⁸ William Simms of Kentucky suggested that, by trying to gain the support of southern nonslaveholders, Republicans had intruded on slave owners’ bailiwick. In terms that implied contempt for nonslaveholders, he

⁴⁶ The consensus in the antebellum period held that slavery was a domestic institution of the states, subject only to their control.

⁴⁷ *Congressional Globe*, 36th Cong., 1st sess., 407.

⁴⁸ *Congressional Globe*, 36th Cong., 1st sess., 64; *Congressional Globe*, 36th Cong., 1st sess., appendix, 92.

complained: “We have never sought to . . . incite agrarianism in the hearts of the vicious hordes that hang around your receptacles of vice.” South Carolina’s William Porcher Miles characterized Republican support for *The Impending Crisis* as a violation of the comity between the ruling classes of the North and the South. He asked: “Do we attempt to stir up heart-burnings and strife among your people, or to set brother against brother, class against class?”⁴⁹ By refusing to accept the legitimacy of the idea that a majority of southern whites could choose to abolish slavery, southern Democrats in Congress revealed themselves as the spokesmen of a slaveholding class that had no intention of peacefully ceding its hegemony.

Several southern Democrats insisted on describing *The Impending Crisis* as an effort to induce nonslaveholders to commit acts of violence, despite the book’s call for peaceful abolition. Alabama senator Clement Clay argued that, “by appealing to non-slaveholders to come to the support of the Republican party,” Helper’s endorsers meant to “scatter dragon’s teeth over . . . the South, in the hope . . . that there will spring up armed men ready to destroy our domestic institutions.” John McRae of Mississippi declared: “The book proposes revolution . . . and war between non-slaveholders and slaveholders.” Thomas Davidson characterized *The Impending Crisis* as “a book which advises the non-slaveholders of my district . . . to aid in the destruction of my people.” Arkansas representative Albert Rust criticized Republicans for pandering to “the vilest and lowest passions and instincts of one class of population in the southern States.” In the book, he asserted, “the non-slaveholders of the southern States are invited . . . to engage in a war, indiscriminate and pitiless, against their fellow-countrymen.”⁵⁰ These congressmen demonstrated a congenital inability to contemplate the idea of slavery’s peaceful abolition by the action of white citizens. Their dire predictions ignored the fact that Helper wanted to fight only if slave owners attempted to defeat the will of the majority.

⁴⁹ *Congressional Globe*, 36th Cong., 1st sess., 170; *Congressional Globe*, 36th Cong., 1st sess., appendix, 69. See also Senator Thomas Clingman (NC), *Congressional Globe*, 36th Cong., 1st sess., 577.

⁵⁰ *Congressional Globe*, 36th Cong., 1st sess., 121, 152, 203, 269. See also John Noell (MO), Sydenham Moore (AL), and William Boyce (SC), 49, 72, 311.

Southern Democrats virtually rose in a body to deny the possibility of nonslaveholder discontent, asserting the complete devotion and loyalty of that class to slavery. John B. Clark, who introduced the resolution against Helper's endorsers, declared: "Our non-slaveholders are not abolitionists. They are no sympathizers with John Brown." A central theme of these assertions was the manner in which proslavery men conflated the class interest of slave owners with the public interest of southern states. Nonslaveholders, said Albert Rust, were "as true and loyal to the institutions of their country as the opulent proprietor of his broad acres and his hundred slaves." He told Republicans they should not "expect to find allies and auxiliaries among the non-slaveholding people of the southern States." In addition to being loyal to slavery, men who owned no slaves would fight for the institution. William Barksdale of Mississippi stated: "These appeals will fall unheeded upon the ears of the non-slaveholders of the South . . . if the struggle between the sections should ever come they will be found rallying around the standard of southern rights."⁵¹ Robert Toombs argued that southern whites had "a loyalty so devoted, that neither . . . seditious teachings . . . nor brute force, have been able . . . to seduce one hundred men, of any class or condition . . . from their allegiance to their homes and social system." James Mason warned Republicans: "There not only is no distinction between those who hold slaves and those who do not, but it is not in your power to create it."⁵² Southern Democrats denied the existence of the smallest bit of friction between classes, portraying an idyllic state of harmony. Three of the congressmen who stridently asserted nonslaveholders' devotion, Albert Rust, Thomas Clingman, and Robert Toombs, served on the slave trade committee, which, in May 1858, told the Southern Commercial Convention that nonslaveholders did not have sufficient personal interest to support slavery.⁵³ Southern Democrats undermined their confident poses with their furious reaction to the

⁵¹ *Congressional Globe*, 36th Cong., 1st sess., 372, 269; *Congressional Globe*, 36th Cong., 1st sess., appendix, 170. See also James Stewart (MD), Martin Crawford (GA), Milledge Bonham (SC), Roger Pryor (VA), and John Reagan (TX), *Congressional Globe*, 36th Cong., 1st sess., 109, 164, 167, 285-286, 329.

⁵² *Congressional Globe*, 36th Cong., 1st sess., appendix, 93; *Congressional Globe*, 36th Cong., 1st sess., 148. See also Clement Clay (AL), Thomas Clingman (NC), and A. O. P. Nicholson (TN), *Congressional Globe*, 36th Cong., 1st sess., 123, 453, 623-624.

⁵³ See Chapter One.

endorsement of Helper's book and the stringent measures they took to prevent its circulation. While proslavery men argued that nonslaveholders supported the institution, they would not trust them with Helper's book.

Three weeks after the election of a Speaker, Mississippi's Lucius Q. C. Lamar argued that the continued existence of slavery in the South proved that nonslaveholders supported the institution. The existence of universal white male suffrage, he said, gave the nonslaveholding majority power to eliminate slavery at any time. "The institution is in the hollow of the hand of the non-slaveholder of the South," Lamar stated, "he has but to close his hand, and the institution is crushed." Southern nonslaveholders were well acquainted with the consequences of slavery, and must be happy with them. "If these effects were degrading," Lamar asked, "why not throw it off, when he could do so simply by depositing a ballot?" His answer was that "there is no class among whom negro slavery secures such wide-spread blessings as the non-slaveholders of the South."⁵⁴ Lamar's simplistic assessment ignored points which would have contradicted his claim that nonslaveholders could dispense with slavery whenever they chose. First, slave state constitutions generally prevented legislatures from ending slavery; its abolition would have required the onerous process of constitutional amendment. Moreover, although nonslaveholders nominally had the choice of opposing slavery, they were not allowed to hear or read antislavery thought. State laws ostensibly intended to prevent slave revolts, in combination with extralegal intimidation generated by community leaders, interdicted the transmission of antislavery beliefs into the South. Lamar paradoxically asserted nonslaveholders' loyalty by extolling their refusal to make a choice which was not allowed to them. His description of nonslaveholders' *latent* political strength, however, explains why proslavery leaders were so concerned about Helper's book and, to a large degree, why they feared the inauguration of a Republican president.

⁵⁴ *Congressional Globe*, 36th Cong., 1st sess., appendix, 116.

During the Speaker fight, Southern Democrats asserted that Republican party support for Helper's book, in conjunction with other events, threatened the future of the Union. James A. Stewart of Maryland declared: "If infamous publications like the Helper book are indorsed . . . [and] circulated broadcast throughout this Union . . . the Union must fall." Mississippi's Otho R. Singleton warned Republicans that if they elected a Helper endorser as Speaker, "you will be held responsible for it by the South at no distant day." Lucius Q. C. Lamar contended that John Brown's raid and the controversy over *The Impending Crisis* would poison relations between the sections for a long time. "Recent events in Virginia, the discordant proceedings of this House, and the angry discussion of the Helper book," he said, "created a . . . public feeling which must tell unhappily . . . for a long series of years."⁵⁵ Texas representative John Reagan declared that "conservative men of all parties" worried about "the safety of the Union," because of two events. Those were, he said, "first . . . that sixty-odd members of the last Congress . . . indorsed this Helper pamphlet . . . the other . . . is . . . Harper's Ferry." Thomas G. Davidson told the House that until recently, he believed the election of a Republican president would not be cause for secession. Seward's "irrepressible conflict" speech and Republican endorsement of Helper's book had changed that opinion, however. "Having seen the fact of irrepressible conflict and circulation of *Impending Crisis*," Davidson said, "[Seward] and his party have now committed the overt act" which justified disunion.⁵⁶ Jabez L. M. Curry said a Republican president would employ federal patronage to further Helper's goals. "Every Federal office would be . . . barred against the slaveholder," he predicted, "to divide the South into two distinct bodies, without interest, sympathy, or connection."⁵⁷ Secessionists' campaign to remove their states from the Union in the

⁵⁵ *Congressional Globe*, 36th Cong., 1st sess., 109; *Congressional Globe*, 36th Cong., 1st sess., appendix, 49, 114. See also Shelton Leake (VA), David Clopton (AL), and Lawrence Keitt (SC), *Congressional Globe*, 36th Cong., 1st sess., 394, 503, 620; William P. Miles (SC) and Senator Robert Toombs, *Congressional Globe*, 36th Cong., 1st sess., appendix, 68, 93.

⁵⁶ *Congressional Globe*, 36th Cong., 1st sess., 343, 203.

⁵⁷ *Congressional Globe*, 36th Cong., 1st sess., 95.

event of a Republican victory in 1860 began in earnest during the contentious debates over Helper's book.

Throughout the duration of the Speaker fight, congressmen and observers expected an outbreak of violence on the very floor of Congress. Physical confrontations, assaults, and duels between congressmen were frequent in the 1850s, but tension reached a crescendo in this period. Following the introduction of Clark's resolution, the *Charleston Mercury* reported "a general apprehension that powder is lying all around, and a spark would ignite a terrible conflagration." On December 6, Thaddeus Stevens, a Pennsylvania Republican, nearly fought with Georgia Democrat Martin Crawford before the two were separated by colleagues. The incident worried Illinois Democrat Isaac Morris, who cautioned the House: "A few more such scenes . . . and we will hear the crack of the revolver, and see the gleam of the brandished blade."⁵⁸ His warning was not hyperbole, but reflected the widespread belief, reported in the *Charleston Courier*, that "members generally . . . go to the Hall armed."⁵⁹ The editor of the *Louisville Journal*, who visited the House during this time, corroborated that belief. He wrote: "Whenever Northern and Southern members . . . threw their arms affectionately around us . . . we almost invariably felt the butts of pistols and the hafts of bowie-knives."⁶⁰ Private letters corroborate newspaper speculation about congressmen carrying weapons. Sue Sparks Keitt, the wife of a South Carolina congressman, confided: "Mr. Keitt . . . has dagger and thought & arguments armed, gone off to that National Bable called 'the House.'" She also stated that "fear of catching a stray bullet, has kept me from going."⁶¹ D. H. Hamilton wrote to William Porcher Miles, a South Carolina representative, and said: "You give me great pleasure by telling me that you have consented to carry arms upon your

⁵⁸ *Charleston Mercury*, December 9, 1859; *Augusta Daily Chronicle and Sentinel*, December 10, 1859; *Congressional Globe*, 36th Cong., 1st sess., 43.

⁵⁹ *Charleston Daily Courier*, January 16, 1860.

⁶⁰ *Louisville Journal* in *Augusta Daily Chronicle and Sentinel*, January 26, 1860.

⁶¹ Sue Sparks Keitt to E. S. Keitt, December 9, 1859, Ellison Summerfield Keitt Papers, SCL.

person.”⁶² The *Camden Journal* noted the “sad and humiliating spectacle” presented by “men, who should be models of order . . . arrayed against each other . . . armed to the teeth.” Congress, it said, appeared to the world as a “gladiatorial arena,” constituting a “reproach to the nation.”⁶³ As the rancorous debate stretched into its second month, with no end in sight, the *Austin State Gazette* reported that “most disinterested observers” believe “a dangerous explosion in the House is now inevitable.”⁶⁴ The House managed to avoid a disastrous conflict between its members, but the extended period of tension left a lasting impression on congressmen. In July 1860, a South Carolina man summarized the views of congressman John D. Ashmore: “[He] would not be surprised if the Revolution was to break out on the floors of congress and if it does he says he does not intend to leave the room until he is dead or victorious.”⁶⁵ The long, acrimonious debate over *The Impending Crisis*, with its attendant scuffles and rumors of greater violence, made the prospect of combat in the Capitol seem possible.

The discussion of *The Impending Crisis* in Congress revealed proslavery leaders’ concern about the loyalty of nonslaveholders and set the stage for the 1860 presidential election. Southern Democrats keenly discerned the class-based nature of Helper’s argument and demanded to know whether John Sherman approved of that particular aspect of the book. They expressed indignation over Republican efforts to propagandize nonslaveholders, revealing that slave owners would not peacefully release their hold on power in the South. For proslavery ideologues who worried that nonslaveholders did not possess the requisite material interest to fight for slavery, the Republican alliance with Helper constituted a dire threat to the institution. Republican support for Helper’s appeal to nonslaveholders became a staple of the propaganda issued by secessionists. Moreover, events in Congress received widespread coverage throughout the South, fraying nerves already

⁶² D. H. Hamilton to William P. Miles, December 9, 1859, William Porcher Miles Papers, SHC.

⁶³ “Something of a Sensation,” *Camden Journal*, January 17, 1860.

⁶⁴ *Austin State Gazette*, January 21, 1860.

⁶⁵ R. L. Burn to Henry C. Burn, July 20, 1860, Burns Family Papers, SCL.

raw from John Brown's raid. Across the region, proslavery southerners responded by increasing their censorship of antislavery publications and guarding against heretical abolitionist thought.

Southern Reaction to the Speaker Fight

The controversy in the House commanded southern attention over the winter of 1859-60. Before Congress opened its session, virtually every major newspaper in the region carried an account of the *New York Herald's* exposure of Republican support for Helper's *Compendium*. The book was roundly condemned as an open expression of hostility toward the South. The *New Orleans Picayune* called the book "a proclamation of eternal war," and the *Raleigh Democratic Press* contended "it is treason, every word of it."⁶⁶ For most southerners, these reports were their first and only exposure to Helper's book, and their newspapers offered only a carefully mediated version of his argument. The *Charleston Mercury*, for example, claimed it would have provided lengthy excerpts from the book, "but we think they are too incendiary for publication."⁶⁷ Once the House commenced its acrimonious debates, southerners closely followed events. Newspapers rejected Sherman's claim not to have read Helper's book and condemned him as an abolitionist. The *Picayune* stated an opinion shared by many, describing Sherman as "a Republican of the inferior order of Helper and John Brown" As the contest dragged on, southern editors called on their representatives to remain firm in their opposition to Sherman. The *Baltimore Sun* argued that the election of a man who endorsed Helper's *Compendium* would "achieve a triumph on the sentiments of that book as the basis of future action."⁶⁸ Occurring less than one year before the 1860 election, the protracted struggle in the House further alienated the sections and allowed proslavery ideologues to demonize the Republican party in the South.

⁶⁶ *New Orleans Daily Picayune*, December 4, 1859; *Raleigh Democratic Press*, December 3, 1859.

⁶⁷ *Charleston Mercury*, December 6, 1859. The *Raleigh Standard* told readers: "We do not consider it either necessary or expedient to quote at length." "Incitement to Treason and Civil War," *Raleigh Weekly Standard*, December 7, 1859.

⁶⁸ *New Orleans Daily Picayune*, December 15, 1859; *Baltimore Sun*, January 5, 1860.

During the controversy, many southerners expected their congressmen in Washington to participate in a mass exodus from the Capitol after the election of a Republican Speaker. One week after the opening of Congress, a Virginia woman planning a visit to Pennsylvania assured her cousin: "When the Southern members retire from Congress I shall retire from Phila as quick as possible."⁶⁹ Alfred Huger, the postmaster at Charleston, told South Carolina representative William Porcher Miles that if Sherman were elected Speaker, "I do not see how the Southern Members can remain without dishonoring themselves." Citing a rumor that the Louisiana delegation would withdraw in that event, Huger said: "I really cannot perceive any other course to be adopted."⁷⁰ One week later, South Carolina governor William H. Gist told Miles the state would support its delegation in "withdrawing alone," if Sherman were elected, because of "his having indorsed Helper."⁷¹ For twenty-three residents of Horry District in South Carolina, the fractious state of affairs called for southern withdrawal before a Speaker could be elected. In a petition to the legislature, they contended that "the antagonistic position assumed by Northern and Southern members of Congress" meant that "fair and equitable Legislation is totally out of the Question." They worried that "the rights of the South will suffer more by the *semblance* of a Congressional Assembly" than if Congress were dissolved or "unsanctioned by the presence of Southern Members."⁷² For inveterate secessionists, the controversy offered a golden opportunity to further their pet project. In late January 1860, Robert Barnwell Rhett told William Porcher Miles of the need for a southern exodus "on the election of a Black Republican Speaker." Such action, he claimed, would be a valuable lesson for the southern people. Rhett argued: "Their minds should be familiarised with all forms of action, to be prepared for any."⁷³ Although

⁶⁹ Jane Brown to Mrs. John L. [Priscilla] Bailey, December 13, 1859, John Lancaster Bailey Papers, SHC.

⁷⁰ Alfred Huger to William P. Miles, December 12, 1859, William Porcher Miles Papers, SHC.

⁷¹ William H. Gist to William P. Miles, December 12, 1859, William Porcher Miles Papers, SHC. Gist characterized the endorsement as an "overt act."

⁷² Petition ND-3590 in S165015: Petitions to the General Assembly, SCDH. The Committee on Federal Relations asserted that "the Legislature has no jurisdiction in the premises," and the House concurred.: Report 1859-146 in S165005: Committee Reports, SCDH.

⁷³ Robert B. Rhett to William Porcher Miles, January 29, 1860, William Porcher Miles Papers, SHC.

southern members did not withdraw from Congress, the widespread discussion of that possibility had the effect desired by Rhett, in readying the southern public for disunion.

Southerners expressed visceral hatred of Helper and anyone who might help to circulate his book in a slave state. In his native North Carolina, the *Raleigh Register* issued a threatening invitation: "Helper has so many *ardent admirers* in this State, that if he will only return to it . . . he will never be permitted to go away again. We will give him a *home in the bosom of his native soil*."⁷⁴ The *Charlotte Democrat* called for eliminating those state residents who had contributed money to publishing the *Compendium*. Noting that \$250 had been sent from North Carolina, it thundered: "If the person or persons can be found out, only time to prepare to die should be allowed them. It is time for the Southern people to exterminate incendiaries in their midst."⁷⁵ In his study of the region's class structure, *Social Relations in Our Southern States*, published in 1860, Daniel R. Hundley indirectly criticized Helper. Although he did not explicitly name Helper, Hundley reprimanded an anonymous poor white who opposed slavery:

He may delude himself into the belief, that the social position of his father . . . is due mainly to the institution of slavery; but is this any excuse for treason? . . . And yet . . . how much more damning and black becomes his record when . . . he takes refuge in the Free States and . . . continues his unnatural war upon his native land!⁷⁶

His indictment conformed to the mainstream of the proslavery argument in its claim that by attacking slave owners' class interest, Helper criticized the South itself. Helper was aware of the treatment he would receive at southern hands, and worried about that possibility as he prepared to sail to Buenos Aires in 1862, two years after the Sumter controversy. He expressed his concern to Benjamin S. Hedrick: "I trust that no overpowering Pirate, such as the Sumter or the Nashville, will overhaul us. . . . I need not tell you how much I am fretted at this state of things."⁷⁷ Helper realized that his capture by a Confederate privateer would probably lead to his demise.

⁷⁴ *Raleigh Register* in *Charleston Mercury*, December 6, 1859.

⁷⁵ "Who is it?" *Charlotte Democrat* in *Lancaster Ledger*, December 14, 1859.

⁷⁶ Hundley, *Social Relations in Our Southern States*, 275-276.

⁷⁷ Hinton R. Helper to Benjamin S. Hedrick, January 4, 1862, Benjamin Sherwood Hedrick Papers, SHC.

Southern newspapers and politicians consistently asserted that the plan outlined in *The Impending Crisis* formed part of the Republican party's platform and would guide its actions. Before the opening of Congress, the *Richmond Whig* said the book was "a sort of text-book and standard of reference among the freedom-shriekers and Brownites generally."⁷⁸ Vice-President John C. Breckinridge, who became the presidential choice of southern Democrats in 1860, told an audience that the Republican party meant to attack slavery in the states. In support of this charge, he "quoted from Mr. Seward's Rochester speech and from Helper's compendium, [and] alluded to the Republican approval of the latter."⁷⁹ Near the end of the Speaker fight, the *Sumter Watchman* declared that Helper's book constituted "the text and basis of the party" during the crisis in the House.⁸⁰ In addition to making *The Impending Crisis* the lodestar of the Republican party, the southern press accorded Helper a leadership status in the party which was at odds with the reality of his marginal status. Describing the Republican national committee's announcement of the party's June convention, the *Nashville Union and American* said Helper "was present, and in consultation with them."⁸¹ The *Carolina Watchman* claimed Helper "took the whole abolition world by the ears, and now fleeces them and leads them at his will." It argued that party leader William Seward "is in his train," and the Republican party, "under tribute to him."⁸² The clamor raised by proslavery editors and politicians took effect with the southern public, which echoed the notion that Republican endorsement of the *Compendium* indicated a sea change in the party's attitude toward slavery. A meeting in Kanawha County, Virginia, claimed Republican support for the book showed "a fixed determination on their part to interfere with the institutions of the South."⁸³ Residents of Pittsylvania County, Virginia, submitted a preamble and resolutions to their legislature, calling for a conference of southern states. The preamble listed various southern

⁷⁸ "Northern Merchants and Manufacturers," *Richmond Whig* in *Charleston Daily Courier*, December 1, 1859.

⁷⁹ *Charleston Daily Courier*, December 30, 1859.

⁸⁰ "The Speakership," *Sumter Watchman*, January 31, 1860.

⁸¹ *Nashville Union and American*, January 14, 1860.

⁸² "Hinton R. Helper—*alias* Helper," *Carolina Watchman*, February 7, 1860.

⁸³ "Mass Meeting in Kanawha County," *Richmond Semi-Weekly Enquirer*, January 31, 1860.

grievances, including the North's resistance to the fugitive slave law and its unwillingness to protect slavery in the territories. To those venerable complaints, the preamble added northern sympathy for John Brown, "the public endorsement by 68 members of the present congress, of Helpers 'Impending Crisis,'" and the "long continued & insolent effort of the Black Republican party . . . to elect the infamous John Sherman."⁸⁴

In claiming that *The Impending Crisis* exercised a guiding influence with the Republican party, the southern press sometimes revealed the class-based nature of Helper's argument. Just before Congress met, the *Keowee Courier* printed a letter from "Bonnivet," a New York correspondent. Bonnivet described *The Impending Crisis* as "Helper's Hand Book of Treason," and declared: "Its doctrines are those of the Republican party." He excerpted parts of Helper's program for the abolition of slavery, including "independent political action on the part of the non-slaveholding whites of the South," and "never another vote to any one who advocates . . . slavery." Like other proslavery critics, Bonnivet ignored Helper's call for peaceful change and described his desire for abolition as an attack on the South. *The Impending Crisis*, he said, "advocates an agrarian insurrection against the South by the poor Whites, in combination with a servile revolt."⁸⁵ During the Speaker fight, a writer from Chester, South Carolina told the *Lancaster Ledger* that recent events showed "conclusively and in a clear light, our peculiar position with the Northern States." He cited two developments: the "recent outbreak at Harper's Ferry," and the "work written and published by one Helper." The writer noted that over 100,000 copies had been circulated and that the book was "endorsed by present members of Congress . . . and men of influence at the North." *The Impending Crisis*, he continued, "looks forward to a struggle between master and slave and non-slaveholders of the South, aided by those of the North." The writer concluded that "with all this staring us in the face," the South must prepare for

⁸⁴ Petition of Citizens of Pittsylvania County, February 20, 1860, LP, LVA.

⁸⁵ *Keowee Courier*, December 4, 1859.

an “inevitable” struggle with the North.⁸⁶ Although the foregoing accounts wrongly claimed that Helper sought a violent uprising, they made it clear that he directed his arguments to southern nonslaveholders. These accounts would not have made Helper sympathetic to nonslaveholders, but they would have alarmed slave owners.

Expecting William Seward to receive the Republican nomination in 1860, the southern press attached great significance to his approval of the book, viewing it as further evidence of the party’s adoption of Helper’s scheme for abolition. Seward did not sign the notorious circular, but the *Compendium* carried his endorsement: “I have read the ‘Impending Crisis of the South,’ with deep attention. It seems to me a work of great merit—rich, yet accurate in statistical information, and logical in analysis.”⁸⁷ The *Sumter Watchman* claimed that, by praising the book, “Seward has effectively cut his own jugular,” and become “politically dead.”⁸⁸ The *Raleigh Standard*, on the other hand, argued the Republican party would adhere to Seward despite his support of the book. It asserted: “The black Republicans . . . nominated Sherman for Speaker with a full knowledge that he had endorsed Helper’s book; and we believe they will nominate Seward for President.”⁸⁹ Like southern Democrats in Congress, newspapers saw an affinity between Seward’s notion of an “irrepressible conflict” between free and slave labor, and the arguments of *The Impending Crisis*. In verses addressed to Seward, a contributor to the *Charleston Courier* said Helper’s book was “the text-book of your Conflict Irrepressible.”⁹⁰ The *Richmond Enquirer* asserted that in the 1860 election, “Helperism and Sewardism must form the platform and constitute the candidate” for the Republicans.⁹¹ By emphasizing the fact that the presumptive nominee of the Republican party supported Helper’s book, secessionists attempted to bring the southern public to their side.

⁸⁶ *Lancaster Ledger*, December 21, 1859.

⁸⁷ *Charleston Daily Courier*, December 19, 1859.

⁸⁸ “Seward and the Helper Book,” *Sumter Watchman*, December 20, 1859.

⁸⁹ “Seward’s Endorsement of Helper,” *Raleigh Weekly Standard*, December 21, 1859.

⁹⁰ “Ode to William Seward, on his return from Europe,” *Charleston Daily Courier*, January 11, 1860.

⁹¹ *Richmond Semi-Weekly Enquirer*, January 20, 1860.

The idea of a connection between Helper, John Brown, and the Republican party was not adduced only for political effect, however, for it appeared in private correspondence and diaries. South Carolina cleric John Bachman warned Edmund Ruffin to expect “more of the same sort” as John Brown’s raid. He said “the endorsers of Helper’s book” lacked the courage to invade the South themselves, but would “send substitutes.”⁹² After receiving Bachman’s letter, Ruffin twice described Republicans as the “Brown-Helper” party in his diary. One month later, he reread parts of *The Impending Crisis* and wrote: “One of its main objects was to establish the position that there exists hostility between the non-slaveholders, & the slave-holders of the southern states.” That “delusion,” he asserted, was “one of the main inducements for the John Brown attempt.”⁹³ Ruffin was an extremist, but his belief was shared by more moderate southerners, who exercised influence in politics. John C. Rutherford, for example, a leading figure in the Virginia general assembly, mentioned the issue in his diary. He thought Harper’s Ferry was not “an accident . . . due to the fanatical character of an individual,” but rather “one of the first fruits of the teachings of the Black Republican leaders.” Postulating northern sympathy for Brown’s act, Rutherford cited “the character of the campaign documents” of the Republican party, specifically “Helper’s treasonable ‘Impending crisis of the South.’”⁹⁴ In February 1860, Rutherford publicly asserted the connection in the legislature. Speaking in favor of a conference of the slave states, he mentioned the “anti-slavery sentiment of the North” which, he said, “has honored with high

⁹² John Bachman to Edmund Ruffin, January 18, 1860, Edmund Ruffin Papers, VHS.

⁹³ William Kaufmann Scarborough, ed., *The Diary of Edmund Ruffin*, vol. 1, *Toward Independence: October, 1856—April, 1861* (Baton Rouge: Louisiana State University Press, 1972), 397-398, 408. Ruffin gave little credence to Helper’s articulation of class conflict in the South, despite having been warned of its possibility in his own state only months before. On December 4, 1859, Ruffin recorded John A. Thompson’s opinion that, in western Virginia, in the event of secession, “the non-slaveholders, who greatly surpass the slaveholders in number, would not concur; & that their jealousy of the richer, as well as self-interest, would cause them to side with the north, & to go for the abolition of slavery.” Thompson said “there were already evidences of such feelings & opinions of non-slave-holders.”: *Diary of Edmund Ruffin*, 1:373.

⁹⁴ *Diary of John Coles Rutherford*: November 1859-May 28, 1861; April 1, 1865-June 9, 1866, 11-13, Rutherford Family Papers, VHS.

office, admirers of Brown and endorsers of Helper.”⁹⁵ For many southerners, John Brown and Hinton Helper were inextricably linked to each other and the Republican party.

In the upper South, where the Opposition party remained electorally viable, the contest in the House sparked bitter partisan conflict. Tensions between the Opposition and the Democrats were exacerbated by the fact that congressmen from the two parties could not agree to support one candidate, leaving the door open to a Republican victory. Near the end of the controversy, Virginia Democrat Roger Pryor described the situation: “We find it impossible to combine the elements of opposition to Sherman. . . . Meanwhile the Black Republicans adhere to Sherman with impossible firmness; the result of which, in my judgment, will be to insure his election.”⁹⁶ Throughout the long contest, victory for either side seemed possible at any time; Republicans could triumph by swaying nine or ten southern votes to their side, while their opponents could win any time they settled on one candidate. Accusations and recriminations issued by partisans and editors in the upper South fit into an established pattern of conflict between the Opposition and Democrats. From the outset, the Opposition contended that Democrats were exploiting the sectional crisis for political gain. After John B. Clark introduced his resolution in the House, the *Nashville Patriot* said he intended “to prevent organization . . . unless a democrat can be elected Speaker.” The ensuing discussion, it argued, was meant to “alarm Southern Opposition members, and induce them to vote for a democratic officer.”⁹⁷ Opposition men in the Virginia legislature accused Democrats of intensifying the sectional conflict to advance secession. In a public letter, they warned of “a design in this State to prepare the hearts and hands of our people for disunion and civil war,” which was encouraged by John Brown’s raid, and “assisted by the dissensions and disorganization of Congress.”⁹⁸ Democrats, in the words of Tennessee state representative George

⁹⁵ *Speech of John C. Rutherford of Goochland, in the House of Delegates of Virginia, 21 February, 1860, In Favor of the Proposed Conference of Southern States* (Richmond: Wm. H. Clemitt, 1860), 12.

⁹⁶ Roger A. Pryor to William R. Baskervill, January 25, 1860, Baskervill Family Papers, VHS.

⁹⁷ “Congress,” *Nashville Patriot*, December 9, 1859.

⁹⁸ *Interesting and Important Correspondence Between Opposition Members of the Legislature of Virginia and Hon. John Minor Botts, January 17, 1860* (Washington: Lem. Towers, 1860), 1.

Gantt, suggested that Opposition men were “willing to coalesce with . . . the Black Republican party,” in electing Sherman as Speaker.⁹⁹ Both southern parties used the Speaker fight to enhance and develop the narratives they told about their adversaries.

In North Carolina, much of the partisan bickering centered on the Democratic refusal to support Opposition congressman John A. Gilmer as Speaker. The *Greensboro Patriot* asserted that if Democrats, “who profess to be anxious to defeat Mr. Sherman,” had voted for Gilmer, he would have become Speaker. It condemned their unwillingness to do so:

The truth is that the Southern Democrats really prefer the election of a Black Republican Speaker. They hate the Southern Opposition worse than the Republicans. . . . The election of a Southern conservative would allay the dangerous sectional excitement; but this they do not want.¹⁰⁰

The Democratic response hinged on the fact that Gilmer’s district, in central North Carolina, included two counties where Daniel Worth and several other men were arrested, in December 1859, for circulating dozens of copies of *The Impending Crisis*. The *Raleigh Standard* claimed Helper’s book was “most in demand” in Gilmer’s district, and said “all the abolitionists who have thus far been arrested, are residents of his District.”¹⁰¹ Commenting on the arrest of Worth and other men in Guilford County, the *Winston Sentinel* wrote: “We have every reason to believe that some dozen or more of these scoundrels have been arrested in Greensboro’, and round about J. A. Gilmer’s home.”¹⁰² This innuendo conformed to the Democratic practice of insinuating that the Opposition would align with the Republican party. Upon publication of *The Impending Crisis* in 1857, a Democratic editor predicted the Opposition would become the southern antislavery party which Helper called for. The *Carolina Watchman* angrily refuted the claim:

Black Republicans have no hopes or expectations of success by the co-operation of Southern Know-Nothings. The “*New Party*” spoken of by Helper, was not meant by him to signify the Know Nothings in the South. . . . the [Salisbury] *Banner*. . . . takes an unwarranted license with its American neighbors when it associates them with *Helper*.

⁹⁹ *Tennessee House Journal*, 1859-60, 286.

¹⁰⁰ “No Speaker Yet!” *Greensboro Patriot*, December 23, 1859.

¹⁰¹ “John A. Gilmer,” *Raleigh Standard* in *Austin State Gazette*, January 28, 1860.

¹⁰² *Winston Sentinel* quoted in “Incendiaries Abroad,” *Greensboro Patriot*, January 13, 1860.

Any Democrat telling an Opposition man that he belonged to “the Helper party,” the *Watchman* predicted, “would be answered with a *knock-down*, nine times out of ten.”¹⁰³ The strongest attack on Gilmer during the Speaker fight appeared in the Democratic *New York Day Book*, which virtually named him an accessory to the ‘crime’ of distributing *The Impending Crisis*. It reprinted a letter in which Daniel Worth claimed to have distributed fifty copies of the book, with one going to Gilmer. The *Day Book* drew sweeping conclusions: “First, Mr. Gilmer had *one of the fifty* of Helper’s books that this abolition emissary had circulated. Second, Mr. Gilmer must have known the *business* of this incendiary . . . and third, knowing it, he did *nothing to prevent him in his course of crime*.”¹⁰⁴ These accusations were repeated by Democratic newspapers in the South.¹⁰⁵ Gilmer responded to the *Day Book* with a personal explanation in the House, describing its claim as a “fabricated falsehood.” He concluded by declaring, “I never read that book,” as though doing so would have made him suspect.¹⁰⁶ The fact that Gilmer, a large slave owner, found it necessary to answer the charges, shows how successfully Democrats used Helper’s book as a cudgel against their opponents.¹⁰⁷

In January 1860, John Minor Botts, a leader of the Opposition in Virginia, issued a public letter which embodied the views of his party on the sectional conflict and *The Impending Crisis*. Botts condemned “the infatuated abolitionists there, and the infuriated disunionists here,” and discussed the Republican endorsement of Helper’s book in a dispassionate manner. The book, he wrote, “contains a vast deal of most mischievous, atrocious, and villainous matter, addressed to the non-slaveholding portion of the southern population.” Botts, however, found some mitigating qualities in the book, saying it “also contains . . . quotations from . . . many very eminent men in

¹⁰³ Salisbury *Carolina Watchman*, August 4, 1857. The Opposition was also variously known as Whigs, Americans, or Know-Nothings.

¹⁰⁴ “A Vile Slander Corrected,” *Greensboro Patriot*, January 13, 1860. The *Day Book* earlier printed the alleged letter in June 1859, making substantially the same accusations against Gilmer.

¹⁰⁵ See, for example, *Savannah Express* in *Nashville Union and American*, January 4, 1860.

¹⁰⁶ “A Vile Slander Corrected,” *Greensboro Patriot*, January 13, 1860.

¹⁰⁷ Defending Gilmer, an Opposition newspaper described him as “The owner of ninety-nine negroes.”: “Keep it Before the People,” *Greensboro Patriot*, January 13, 1860.

the South, on the subject of slavery.”¹⁰⁸ If the book was objectionable, Democrats, he suggested, were to blame for bringing it to a wider audience. Until “the last few weeks,” Botts noted, *The Impending Crisis* “had a very limited circulation, and scarcely any among the people, (the non-slaveholders of the South,) to whom it was addressed.” Moving to the central issue, Botts asked: “Is the publication of a book, *no matter what its character*, or its endorsement by sixty-eight . . . men, a sufficient reason for breaking up this Union?” The answer to that question depended on the view one had of class relations in the South. For his part, Botts would not give up the Union “because Mr. Helper or any other sixty-eight men alive are dissatisfied with the way I manage my domestic affairs.” Only when Republicans “attempt a practical interference” with slavery, Botts wrote, would he “find a remedy.” For secessionists, however, Republican plans to proselytize nonslaveholders, revealed by the party’s endorsement of *The Impending Crisis*, constituted interference with slavery. Botts concluded by minimizing the importance of *The Impending Crisis*: “The book will never hurt us half as much as it will Mr. Helper, for God helps us, when we can’t help ourselves, against all the helpers of abolition and abolition books.”¹⁰⁹ His calm assessment failed to convince many southerners, however, as *The Impending Crisis* and its endorsement by congressional Republicans were prominent aspects of secessionist propaganda until the Civil War.

Many southerners worried about the increased publicity given to Helper’s book by the Speaker controversy and called for a proslavery response to his arguments. The former practice of ignoring Helper’s appeal to nonslaveholders had to change, they warned, because his ideas might persuade unwary or ignorant members of that class. The *New Orleans Picayune* printed a letter from “T. A.,” who worried about the potential effects of the book:

It is intended to arouse an antagonistic feeling in the non-slaveholding population of the South towards the slaveholding. And in this, too, he may succeed to some extent, if not

¹⁰⁸ Botts referred to Chapter Three of *The Impending Crisis* entitled “Southern Testimony Against Slavery.”

¹⁰⁹ *Interesting and Important Correspondence Between Opposition Members of the Legislature of Virginia and Hon. John Minor Botts, January 17, 1860*, 6-7.

guarded against. Many of his facts are ridiculously false; yet if not controverted, will still pass as facts.¹¹⁰

His concerns were shared by William Parsons, who argued that Republican efforts to circulate Helper's book constituted a new and dangerous mode of attacking slavery. In the *Austin State Gazette*, Parsons wrote that the Constitution's protection of slavery "is but a paltry instrument of defence, when . . . we are called upon to meet the great questions of the extension, increase, and the *existence itself* of 'Negro Slavery' *in our very midst*." Like southern Democrats in Congress, he contended that "the whole programme of Republican tactics has been changed," and cited the plan to circulate Helper's book. "The sole purpose" of *The Impending Crisis*, Parsons wrote, "is to indoctrinate our people with a spirit of hostility to our institutions." He warned that passing additional laws against the circulation of incendiary documents would only "renew the farce of enacting decrees that can never be effectually enforced," and evade the issue. By not refuting antislavery claims, Parsons continued, the South encouraged abolitionists. He wrote:

As we . . . decline the examination, and thorough home discussion of the questions thus thrust insidiously before our people—our alert enemies abroad, and the numerous emissaries in our very midst, encouraged by our criminal inertness, will continue to sow more assiduously than ever, their false and nefarious doctrines.

If it confronted the question, Parsons said, the South could "annihilate the specious sophistry of our adversaries." He warned those content to prohibit the circulation of antislavery thought that, if they listened closely, "they will hear it discussed, always cagerly, sometimes ably, sometimes incompetently, in the workshop, the forge, at the farmer's fireside, in the counting room, and at the plough handles." Arguments similar to Helper's were reaching the nonslaveholders they were intended for and taking effect. Parsons had met men in Texas, "whose minds are already warped, with the Northern delusion," convincing him that "this great question . . . should have all the light."¹¹¹ In order to maintain nonslaveholders' loyalty, Parsons and T. A. argued, proslavery men had to refute Helper's claims, for censorship alone was insufficient to the task.

¹¹⁰ *New Orleans Daily Picayune*, December 29, 1859.

¹¹¹ "Negro Slavery," *Austin State Gazette*, January 21, 1860.

Works responding to *The Impending Crisis* began to appear in early 1860, prompted by the attention given to the book by the fight for the Speaker's chair. Virginian Samuel Wolfe, the author of *Helper's Impending Crisis Dissected*, described the position adopted by proslavery men regarding Helper's work. Wolfe claimed that he first planned to answer *The Impending Crisis* upon its publication in 1857, but thought "it was too contemptible." Once the book was "brought to the attention of the public by Members of Congress," however, he decided "some notice may be taken of the many lies contained in the work of this vile wretch."¹¹² A second book, Daniel R. Hundley's *Social Relations in Our Southern States*, was not purely a reply to Helper, but it discussed issues relevant to his critique of southern slavery.¹¹³ A final challenge to Helper came in *The South Vindicated*, written by James Williams, founder of the *Knoxville Post* and a former state legislator in Tennessee.¹¹⁴ In addition, northern writers submitted two direct responses to Helper's indictment of slavery in 1860.¹¹⁵ The replies from southern authors ended the strategy of merely repressing the book and heralded a new proslavery approach to the threat posed by *The Impending Crisis*. In conjunction with the enhanced censorship of antislavery ideas prompted by the Speaker fight, detailed in the next chapter, this propaganda created a vast echo chamber of proslavery thought in the South.

The writers who answered Helper repeated some of the claims made by southern congressmen and borrowed from existing proslavery arguments directed at nonslaveholders. Samuel Wolfe characterized *The Impending Crisis* as "the law and gospel" of the Republican party's "moral war" against slavery.¹¹⁶ All three writers denied the claim that nonslaveholders could be induced to oppose slavery. Noting that Helper's book was intended to "array class

¹¹² Samuel Wolfe, *Helper's Impending Crisis Dissected* (Philadelphia: J. T. Lloyd, 1860), 1.

¹¹³ Hundley, *Social Relations in Our Southern States*.

¹¹⁴ In the preface, Williams said his book was written in 1860 and sent for publication in a political journal. James Williams, *The South Vindicated* (1862; reprint, with a foreword by Jean-Louis Brindamour, Chicago: Afro-Am Press, 1969), v.

¹¹⁵ Gilbert J. Beebe, *A Review and Refutation of Helper's "Impending Crisis"* (Middleton, New York: Office of *The Banner of Liberty*, 1860); Louis Schade, *Appeal to the Common Sense and Patriotism of the People of the United States: "Helperism" Annihilated* (Washington: Little, Morris, and Company, 1860).

¹¹⁶ Wolfe, *Helper's Impending Crisis Dissected*, 167.

against class at the South,” Wolfe said the effort would fail because nonslaveholders “are the warmest supporters that the institution of slavery has.”¹¹⁷ Although they did not own slaves, Hundley wrote, “the Southern Yeomanry are almost unanimously pro-slavery.” In the South, Williams argued, there was “a unity of opinion,” among residents in support of slavery, despite the fact that a “small number are slave-owners.”¹¹⁸ The explanation proffered by these writers for nonslaveholders’ loyalty to slavery hinged on the negative effects anticipated from its abolition, not on the positive effects from its continuation. Hundley asserted that southern yeomen knew “that their own class, in the event of emancipation, would suffer the most.” Planters and the middle class could escape, he wrote, but yeomen “would be forced to remain and single-handed do battle with Cuffee.” Williams denied the possibility of colonization, stating that, after their emancipation, “the slaves liberated . . . must, of course, remain upon the soil.” Abolition would fall most heavily on poor whites, for they “would be reduced to . . . competing with the African upon equal terms.” Williams echoed Hundley’s claim that the wealthy could flee, but “the poor man from necessity would be bound to the soil.”¹¹⁹ This cynical argument became a centerpiece of the propaganda directed at nonslaveholders during the 1860 election and the secession crisis.

In light of the Republican endorsement of Helper’s *Compendium*, southerners issued dire predictions about the effects that the party’s control of the executive branch would have on the institution of slavery. By circulating antislavery documents through the mail and restricting its patronage to nonslaveholders, they warned, a Republican administration could foment dissension in the South. The *Austin State Gazette* warned that, following a Republican victory, the South would face “an administration recognising none as worthy of office or power who are . . . the supporters of slave property.”¹²⁰ Texas military hero Ben McCulloch said the South must secede immediately after the election of a Republican president, rather than await an “overt act” against

¹¹⁷ Wolfe, *Helper’s Impending Crisis Dissected*, 61, 77.

¹¹⁸ Hundley, *Social Relations in Our Southern States*, 219; Williams, *The South Vindicated*, 79-80.

¹¹⁹ Hundley, *Social Relations in Our Southern States*, 220-221; Williams, *The South Vindicated*, 211, 153.

¹²⁰ “Neither Cheat or be Cheated,” *Austin State Gazette*, February 11, 1860.

slavery. He exclaimed: "There will be no overt act *until it will be too late for the South to resist successfully!*" Rather than take unconstitutional action that would unite the South, Republicans would be more savvy in attacking slavery. "We will first be divided at home and weakened by a disposal of the Federal offices," he declared. Southern unity would be further undermined by the widespread distribution of anti-slavery publications. McCulloch concluded: "It is *after they have the power to send their emissaries and incendiary documents* among us, and we are divided in opinion, that the overt act will come."¹²¹ In April 1860, Virginia congressman Albert G. Jenkins offered his view of the policies which a Republican administration would adopt. Referring to "the distribution of the patronage" in the South, he predicted "every officer" would be a Republican. Jenkins discounted the idea that there were not enough Republicans in the South to fill the federal offices: "You would find plenty of the *materiel*, which the magic influence of patronage would easily convert into any form you desire." These federal officials, he warned, would be the nucleus of a southern antislavery party:

Who will say that, from these fruitful seeds . . . enriched with the patronage of millions, there would not spring up the germ of a Republican party in the very heart of the South; armed with . . . the administration of the Federal Government; sowing dissensions in our very midst; dividing our people, distracting our counsels, and paralyzing our energies, until it would be too late for resistance?¹²²

For Jenkins, the normal operation of the nation's political system, in which the governing party employed its power to attract and reward supporters, was an intolerable threat in the case of the Republican party. The central lesson which proslavery ideologues derived from the controversy surrounding *The Impending Crisis* was that the South must not give a Republican administration an opportunity to extend its influence into the slave states.

¹²¹ "A Voice of Warning," *Austin State Gazette*, January 14, 1860.

¹²² *Congressional Globe*, 36th Cong., 1st sess., appendix, 260-261.

Republicans Defend Helper's Address to Southern Nonslaveholders

Throughout the controversy in the House of Representatives, southern Democrats argued that the Republican endorsement of Helper's book signified a new approach toward slavery by the party. By appealing to nonslaveholders, they charged, the Republicans planned to create a free-soil party in the slave states and agitate for the abolition of slavery. On several occasions, as related above, southern Democrats specifically asked John Sherman whether he favored Helper's call for class-based opposition to slavery in the South. When the election of a Speaker was still pending, Sherman said his lips were sealed by the "offensive resolution" introduced by Missouri Democrat John B. Clark.¹²³ He refused to give his opinion of *The Impending Crisis* under duress, and other Republicans in the House followed suit. Once a Speaker was elected, however, several Republican congressmen unapologetically defended their party's support of the book and openly declared their intention to win the support of southern nonslaveholders. These congressmen saw no impropriety in their endorsement, arguing that Helper's book was intended for white citizens, not slaves. The furious reaction from slave owners, they claimed, resulted from an inability to offer a convincing response to Helper's argument. Republican lawmakers criticized southern censorship of antislavery thought and asserted their party's right to engage in political activity in the slave states. Their statements, all of which were available to southerners, contradicted the Republican party's official stance of opposing only the extension of slavery into the territories.

On April 5, 1860, Illinois Republican Owen Lovejoy delivered a speech that created a stir in the House and attracted much unfavorable attention in the southern press. Lovejoy referred to his endorsement of *The Impending Crisis* during remarks in which he called slavery a "twin relic of barbarism," along with polygamy. As he spoke, Lovejoy approached the Speaker's chair and glared at Democrats, causing Roger Pryor of Virginia to come toward him. Fearing violence, representatives of both parties crowded around, leading one observer to report: "Great confusion

¹²³ *Congressional Globe*, 36th Cong., 1st sess., 427.

and a collision imminent.”¹²⁴ Representatives pulled back from the precipice of conflict, and Lovejoy continued in an atmosphere fraught with tension. He admitted endorsing *The Impending Crisis*, and invited confrontation: “I, for one, signed the paper recommending the circulation of the Helper book. . . . I will sign a recommendation for the circulation of any book that I choose, without asking permission.” Lovejoy dispelled the idea that *The Impending Crisis* was directed at slaves and lent his support to its program. He told the House:

It is the address of a citizen of a slave State to his fellow-citizens in regard to the subject of slavery, recommending in substance the organization of a Republican party in North Carolina and in all the other slave States. I hope to see that done; and I expect to see it done before very long.

For Lovejoy, Helper’s book was a normal part of the process by which political parties tried to gain the support of voters. He expected the Republican party to seek adherents in the South by forcing an open debate on slavery. Moreover, Lovejoy told southern congressmen they would soon be replaced in favor of men elected to office by southern Republicans. Once the party established itself in the slave states, he predicted, “these disunionists and gentlemen whom you see so violent now, will be displaced by more moderate, and . . . more sensible men.” Later in his remarks, Lovejoy reiterated his approval of Helper’s plan: “The idea of organizing a party in the slave States, as against slavery, I am in favor of, and I expect to see it accomplished.”¹²⁵ In his speech, Lovejoy dramatically threw down the gauntlet, telling southern congressmen that the Republican party would compete for the loyalties of southern nonslaveholders and try to abolish slavery. His challenge reached a wide audience in the South, with many newspapers printing his speech.¹²⁶ In their editorial comments, these newspapers focused on Lovejoy’s denunciations of

¹²⁴ “Unparalleled Scene in Congress!” *Salisbury Banner*, April 17, 1860.

¹²⁵ *Congressional Globe*, 36th Cong., 1st sess., appendix, 205.

¹²⁶ “Abolition Harangue of Mr. Lovejoy—Intense Excitement,” *Greenville Patriot and Mountaineer*, April 17, 1860; “Slavery Question. Speech of Hon. Owen Lovejoy, of Illinois, In the House of Representatives, April 5, 1860,” *Charleston Mercury*, April 17, 1860; “Unparalleled Scene in Congress!” *Salisbury Banner*, April 17, 1860; “Abolition Harangue of Mr. Lovejoy—Intense Excitement,” *Lancaster Ledger*, April 18, 1860.

slavery, without drawing attention to his remarks on Helper's book.¹²⁷ Nevertheless, by running the speech and drawing readers' attention to it, southern newspapers ensured that Lovejoy's ominous challenge would be noticed across the region.

One week after Lovejoy's speech, John Sherman, the target of southern wrath during the long Speaker's contest, delivered remarks on the policy of the Republican party. Sherman spoke in New York, but his address was printed in pamphlet form and found its way to at least one prominent southerner.¹²⁸ Although less combative, Sherman defended *The Impending Crisis* and evinced a determination to compete electorally within the slave states. Democrats, he said, were guided by the "narrow sectional interest" of slavery, which "cannot, or will not, study a census table to learn its growing weakness."¹²⁹ Having alluded to Helper's book, Sherman described it as "chiefly made up of statistical information . . . and the opinions of eminent men" regarding the "social, moral, and political influence of slavery." As such, he contended, it was "eminently proper for circulation," and might even "be read with profit by the very men who have made the most clamor about the book." Sherman echoed the central tenet of *The Impending Crisis*, stating that slavery was "a system that bears heavily" upon southern nonslaveholders. He denied that the South had a right to censor debate of a critical issue like slavery, and said testimony for and against the institution would be circulated. These discourses should be met with argument, not repression, Sherman maintained. "If they are false in theory or unfounded in fact," he declared, "they will be overthrown by reason and argument; but in no other way."¹³⁰ His insistence on an open debate flew in the face of the proslavery claim that critical discussion of slavery threatened public safety. Sherman also implied that his party hoped to abolish slavery, not just prevent its

¹²⁷ "The Scene in the House," *Salisbury Banner*, April 17, 1860; "Almost a general Fight in Congress," *Lancaster Ledger*, April 18, 1860; "Humiliating Indeed," *Camden Journal*, April 24, 1860; "Scene in the House," *Yorkville Enquirer*, April 19, 1860.

¹²⁸ A copy of the pamphlet resides in the "Jabez L. M. Curry Pamphlet Collection," ADAH. Curry was an Alabama representative in the 36th Congress.

¹²⁹ *The Republican Party—Its History and Policy. A Speech by Hon. John Sherman, of Ohio, Delivered at the Cooper Institute, in the City of New York, April 13, 1860* (N.p., n.d.), 7.

¹³⁰ *A Speech by Hon. John Sherman, of Ohio*, 9-10.

expansion. We “will not interfere, directly or indirectly, with slavery in the slave States,” he said, “because . . . we of the free States have no constitutional power to interfere.” Republicans would, however, continue to “hope that by the voluntary action of the States where the institution exists, the condition of the slaves will be gradually ameliorated and changed.” In short, if a majority of southern whites decided to abolish their domestic institution, Republicans would welcome such a development. Left unsaid was the fact that the Republican party, as in the case of *The Impending Crisis*, would be actively trying to convince southern nonslaveholders to dispense with slavery.¹³¹ For proslavery men, an effort to persuade southern whites would constitute the interference with slavery that Sherman disclaimed. Near the end of his address, Sherman revealed that he not only hoped, but expected, that opposition to slavery would emerge in the South. Referring to Cassius Clay of Kentucky, a longtime critic of the institution, Sherman said: “Such men . . . will rise . . . throughout the slave States, to take their stand against the iniquity of slavery.”¹³² The southern Democrats who vainly pressed questions upon Sherman during the Speaker controversy got all the information they needed from this speech, which confirmed their worst expectations.

As the presidential campaign intensified, more Republican congressmen defended *The Impending Crisis* and suggested their party would try to proselytize southern nonslaveholders. On May 29, 1860, days after his party nominated Lincoln, Ohio congressman James M. Ashley claimed that nonslaveholders’ loyalty to slavery resulted from oppression by slave owners. “A reign of terror secures the obedience and cooperation of the poor whites,” he maintained, and southerners could write or speak only as “prescribed by this privileged class.”¹³³ Ashley cited the disparity in the enforcement of laws prohibiting incendiary documents in the South.¹³⁴ He asked: “If . . . they are thus loyal, why is it that . . . poor whites are not permitted to read whatever they may prefer to read, as the slaveholders do themselves?” The discussion of *The Impending Crisis*

¹³¹ *A Speech by Hon. John Sherman, of Ohio*, 10.

¹³² *A Speech by Hon. John Sherman, of Ohio*, 13, 15.

¹³³ *Congressional Globe*, 36th Cong., 1st sess., appendix, 365.

¹³⁴ See Chapters Five and Six for a discussion of how “intent” clauses facilitated such disparate treatment.

during the Speaker fight, he argued, demonstrated that many southern congressmen “read and examined with care, some two years ago, this incendiary Helper book.” If they could read and possess the book, Ashley wondered, “why have not their constituents, the poor whites, the same right?” There was “but one answer,” he declared, the “distrust on the part of the ruling class of the fidelity of the poor whites, and fear of their political power, should they unite.” Repeating one of Helper’s main points, Ashley noted that the nonslaveholding majority had the power to “take possession of all the southern State governments, and administer them for the benefit of the whole people, instead of . . . exclusively for the benefit of a class interest.” Slave owners’ knowledge of that fact, he said, prompted their attacks on *The Impending Crisis*. “All that was said in denunciation of Helper and his book,” he claimed, “was said not because it was an appeal to the slaves . . . but because its arguments and appeals were addressed to the poor whites of the South by one of their own number.” The possibility that nonslaveholders might be induced to oppose slavery, Ashley said, constituted “the real point of danger to the ruling class of the South.” He seemed to commit the Republican party to an effort to reach the white majority in the South, warning: “The time is coming when God’s truth cannot longer be shut out from the minds and hearts of the non-slaveholders.”¹³⁵ Two weeks later, on June 12, Michigan representative Francis W. Kellogg concurred in Ashley’s opinion of *The Impending Crisis* and the southern reaction to it. The book, he said, was “addressed mainly to the non-slaveholders of . . . the South generally, advising them to commence an effort for the abolition of slavery.” Kellogg denied that *The Impending Crisis* was meant to cause a slave revolt, saying, “there was not a word in it addressed to the slaves.” The reason for its harsh reception in the South, he asserted, was that “this was an assault on slavery not easily answered.”¹³⁶ Republican congressmen described Helper’s book as the lever by which slavery could be peacefully overturned and maintained that slaveholders were well aware of the threat to their hegemony.

¹³⁵ *Congressional Globe*, 36th Cong., 1st sess., appendix, 374.

¹³⁶ *Congressional Globe*, 36th Cong., 1st sess., appendix, 421.

Each of these Republican lawmakers cast the issue not merely as one of free versus slave labor but also as a question of white citizens' right to enjoy free speech. They asserted a right to bring antislavery ideas into the South and claimed that any institution that required censorship was a threat to the Republic. Owen Lovejoy belittled the southern attacks on Helper's book, arguing that they threatened civil liberties. He said: "A citizen of the United States, an American citizen, addressed himself to his fellow-citizens in a peaceful way, through the press, and for this you find fault with him and say that he must be hanged." Lovejoy demanded freedom to discuss the issue of slavery anywhere in the United States: "I want the right of uttering what I say here in Richmond. I claim the right to say what I say here in Charleston." His words elicited threatening rejoinders from southern Democrats in the House.¹³⁷ John Sherman contended that slaveholders' reluctance to engage Helper's arguments proved slavery was incompatible with democracy. "No institution can or ought to stand in a free government," he said, "that is afraid to meet and unable to answer by fact and argument any book that can be written."¹³⁸ The reaction to Helper's book was only one example of a system that was intolerant of even the mildest antislavery opinion. Sherman described an entire regime of censorship in support of slavery:

In the South opinion on the slave question is not free; the most moderate opinions against slavery cannot there be uttered safely. The mails are opened and robbed, northern men are watched as enemies; books are burned. . . . There is no open channel through which the southern mind can be reached upon the subject of slavery.¹³⁹

Where proslavery southerners described such measures as necessary to protect the public safety, Republicans viewed them as infringements on the most basic rights accorded to white citizens by the Constitution. James M. Ashley supplemented Sherman's description, arguing that censorship of antislavery ideas operated in tandem with the assiduous circulation of proslavery thought. He named slaveholders' control of public discourse as the means of maintaining their hegemony. Referring to poor whites and nonslaveholders, Ashley said:

¹³⁷ *Congressional Globe*, 36th Cong., 1st sess., appendix, 205.

¹³⁸ *A Speech by Hon. John Sherman, of Ohio*, 9-10.

¹³⁹ *A Speech by Hon. John Sherman, of Ohio*, 13, 15.

The slave interest intend to keep them loyal; and in order to be doubly sure that they shall remain so, their school books, for what few schools they have, their literature, their political journals, their so-called religious periodicals, and Christian teachers, are permitted to talk and preach and pray—if at all about slavery—only in favor of its divinity and its blessing.

The proslavery unanimity which southern politicians boasted of, he argued, “can only be found in despotisms.” It could not be commanded in the North, Ashley said, adding: “I do not believe it can endure many years in the slave States.”¹⁴⁰ This emphasis on free speech coincided with the Republican party’s strategy of pointing out the ways in which slavery negatively impacted white citizens in the North and South. Francis W. Kellogg said that relenting to slaveholders’ demands for an end to the agitation of the slavery issue would squander a valuable heritage. “Freedom of speech and of the press,” he said, “has cost too much blood and suffering in the past to be given up now for the sake of accommodating an aristocracy.”¹⁴¹ Those rights were necessary to political existence, and the Republican party, Kellogg implied, would exercise them in the slave states. Noting critics’ charge that the party was “sectional” because it lacked “an electoral ticket in many of the southern States,” he asked: “How can there be a party without a press or power to hold a public meeting?”¹⁴² The question suggested that when a Republican president took office, he would enforce those rights for his party in the South, and thus facilitate an open debate on slavery. By characterizing the issue as one of free speech versus censorship, Republicans warned slaveholders that they would face an imminent political contest in the South. The election of a Republican president in 1860, many slave owners realized, would not only be the end of their political control on the national level, it would also signify the beginning of a challenge to their regional dominance and to the very existence of their peculiar institution.

¹⁴⁰ *Congressional Globe*, 36th Cong., 1st sess., appendix, 374.

¹⁴¹ *Congressional Globe*, 36th Cong., 1st sess., appendix, 422.

¹⁴² *Congressional Globe*, 36th Cong., 1st sess., appendix, 423.

Lasting Impact of The Impending Crisis

Hinton Helper and *The Impending Crisis* remained at the forefront of the southern mind long after the Speaker controversy ended on February 1, 1860. Throughout the 1860 campaign and into the secession crisis, southern newspapers and politicians kept Helper's book before the people, connecting it to the Republican party and making it a primary justification for immediate secession. Newspaper reports of incidents in which copies of the book were seized and burned helped to instill the siege mentality that made southerners ripe for more drastic measures after the election. Following Lincoln's victory in November 1860, the demonization of Helper's book continued apace, as state legislatures, conventions, and governors either explicitly referred to *The Impending Crisis* or made clear allusions to it. The southern people imbibed these messages, and their public meetings cited the book as an example of the imminent threat posed by Lincoln's accession to the presidency. The continued, prominent emphasis on the Republican endorsement of *The Impending Crisis* demonstrated that proslavery concern about nonslaveholders' loyalty played a critical role in the cotton states' decision to secede before Lincoln's inauguration.

One proslavery southern writer who disagreed with Helper's views hoped to match his brilliant success in gaining a wide audience and forcing his argument into the national discourse. In the summer of 1860, aspiring author G. V. H. Forbes wrote to Louisiana resident St. John R. Liddell, seeking financial aid for a contemplated proslavery book. An assistant newspaper editor, Forbes hoped to travel to Jamaica to record "the miserable and useless and degraded state of the African race there since the emancipation of 1834," to which he would compare "the condition of our Southern Slaves." He wanted his book to "tell on sound public opinion, and make opinion sound where it is intolerant and fanatic." Forbes summarized his intentions in a way that would have been understood by anyone at the time: "I wish to be a 'Helper' to the South just now in quite a different sense from the 'Ottawattamie Brown' party 'helper.'"¹⁴³ Forbes could not hope

¹⁴³ G. V. H. Forbes to St. John R. Liddell, August 16, 1860, Moses and St. John Richardson Liddell Family Papers, LSU.

to match Helper's success, however, for *The Impending Crisis* spoke to the zeitgeist on either side of the sectional controversy. In the North, it appealed to a Republican party looking to win a constituency unmoved by the plight of the slave; while in the South it struck at slaveholders' longstanding distrust of nonslaveholders.

The southern press avidly reported public burnings of *The Impending Crisis* and other "incendiary" publications to an anxious public throughout 1860. In February, a South Carolina newspaper noted that people in Anderson County, Texas, recently "held a public meeting and burnt a number of incendiary publications."¹⁴⁴ Weeks later, a newspaper in Greenville, South Carolina reported that "a lot of Helper's books was publicly burned in Maysville."¹⁴⁵ On March 10, the *Greensboro Times* reported that "a package of Helper's book," delivered by Adams' Express, "was burned at High Point a few days since." The editor must have been satisfied, for the *Times* reported in January that "a large parcel of Helper's book passed through here in charge of Adams' Express, directed to High Point." It absolved the company of malicious intent but admonished it to "exercise more prudence." The *Times* hoped the authorities would "keep watch and ward in the matter," a hope that was fulfilled with the burning of the unclaimed package.¹⁴⁶ In relating this event, the *Keowee Courier* stated that "a box containing 150 copies of Helper's *Impending Crisis*" was burned.¹⁴⁷ The citation of such a quantity, and the use of phrases like "large parcel," could only alarm a populace which had been told that one copy of the book constituted an imminent threat to public safety. Southern newspapers also tried to establish a link between circulation of Helper's book and the "Texas Troubles," a series of fires and insurrection rumors which plagued the state in the summer of 1860 and created a sensation across the South. The effort centered on a letter allegedly written by an abolitionist agent in Texas to one of his colleagues. William H. Bailey, the purported author, mentioned "destroying towns, mills, &c,"

¹⁴⁴ "Mere Mention," *Yorkville Enquirer*, February 23, 1860.

¹⁴⁵ "News Condensed," *Greenville Southern Enterprise*, March 8, 1860.

¹⁴⁶ "Burned," *Greensboro Times*, March 10, 1860; "Times' Correspondence," *Greensboro Times*, January 14, 1860.

¹⁴⁷ "Pennings and Clippings," *Keowee Courier*, March 31, 1860.

the need to chase off the “present inhabitants,” and the need for “frequent consultations with our colored friends,” which should be held “at night!” Most damning, he recommended “a different match to be used about towns &c.” Bailey also called for “teaching and preaching,” in order to “control public opinion.” In a postscript, he promised to send “all the numbers of the ‘Impending Crisis’ we have.”¹⁴⁸ The letter seemed to be the proverbial smoking gun linking abolitionist circulators of Helper’s book to the fires in Texas. A South Carolina newspaper ran an account of the letter under the heading: “How the South is to be Subjugated.”¹⁴⁹ Even where no copies of *The Impending Crisis* were in evidence, Helper’s name was linked to antislavery activities. One week before the November election, the label “Helperism” was attached to the activities of two men in Cheraw, South Carolina, who possessed arms and had allegedly written to Seward and Greeley.¹⁵⁰ That label obscured Helper’s nonviolent, political approach, making his name synonymous with any homegrown opposition to slavery.

In the year following the controversy in the House, secessionists continued to argue that Helper’s book, John Brown’s raid, and William Seward’s declaration of an irrepressible conflict were integrally related and that their confluence had doomed the Union. On March 1, 1860, South Carolina representative John D. Ashmore emphasized this point. He told the House:

The bonds of the Union have been more weakened in the last twelve months by the enunciation of the ‘irrepressible conflict’ doctrine, the emissaries sent South, and detected and punished, the John Brown invasion of Virginia, and the indorsement of the Helper book, than by all the other events in the history of the agitation of this subject.

Ashmore also told Republicans that their efforts to sway southern nonslaveholders were doomed to fail. “All classes, slaveholders and non-slaveholders,” he thundered, “are ready to meet the issue if you force it upon them.”¹⁵¹ Within weeks of Ashmore’s speech, the *Charleston Mercury* echoed his sentiments in a prospectus meant to attract new readers. The advertisement stated:

¹⁴⁸ Copy of William H. Bailey to “Dear Sir,” July 3, 1860, in Edward Clifton Wharton and Family Papers, LSU.

¹⁴⁹ *Lancaster Ledger*, October 10, 1860.

¹⁵⁰ “Helperism at Work in Cheraw,” *Charleston Mercury* in *Greensboro Patriot*, November 1, 1860.

¹⁵¹ *Keowee Courier*, March 24, 1860.

The “irrepressible conflict,” openly proclaimed . . . by the leader of the great Northern party, the endorsement and circulation of Helper’s book . . . by sixty-eight members of Congress of that predominant party; together with the raid of John Brown, and the sympathy accorded to him throughout the North, have . . . essentially contributed to widen the breach between the sections of the Union.¹⁵²

Given South Carolina’s place in the vanguard of secession, the views of one of its congressmen and of the state’s most extreme newspaper are critical. In 1860, some of the most strident voices calling for secession put the Republican endorsement of Helper’s book on a par with John Brown’s raid.

Long after the Speaker fight concluded, southern newspapers and politicians emphasized Republican party endorsement of *The Impending Crisis*. At an August 1860 political meeting in South Carolina, John D. Ashmore read excerpts from the book in order to “show the spirit which possessed this Republican party.”¹⁵³ The *Edgefield Advertiser* reported that *The Impending Crisis* was one of several publications being sold as “Black Republican Campaign Documents” in the North.¹⁵⁴ A pamphlet printed by the secessionist “1860 Association” referred to Helper’s book as “the hand book of the Black Republicans.”¹⁵⁵ When Lincoln won the election, secessionists tried to label him an endorser of Helper’s book, directly or by implication, despite the fact that he had not signed the circular. A Georgia newspaper predicted Alabama would secede before Lincoln’s inauguration, “especially when it is well-known that the President was one of the endorsers of Helper’s *Impending Crisis*.”¹⁵⁶ A South Carolina correspondent of the *Washington Constitution* characterized Lincoln as being “in full fraternity with the sixty-eight members of Congress the avowed approvers of the vile and atrocious Helper book!”¹⁵⁷ The *Charleston Evening News* claimed the North had already committed the “overt act” which justified secession, citing its

¹⁵² “Prospectus of The Charleston Mercury,” *Greenville Patriot and Mountaineer*, April 17, 1860.

¹⁵³ “Meeting at Williamston Springs,” *Daily South Carolinian* in *Greenville Patriot and Mountaineer*, August 16, 1860.

¹⁵⁴ “Black Republican Documents, &c,” *Edgefield Advertiser*, September 5, 1860.

¹⁵⁵ John Townsend, *The South Alone, Should Govern the South. And African Slavery Should Be Controlled By Those Only, Who Are Friendly To It* (N.p., n.d.), 35.

¹⁵⁶ “Alabama Arming for the Contest,” *Atlanta Confederacy* in *Keowee Courier*, November 10, 1860.

¹⁵⁷ Undated clipping from the *Washington Constitution*, page 33, Colleton District Scrapbook, SCL.

obstruction of the fugitive slave law, the raid on Harper's Ferry, and the sympathy expressed for John Brown in the North. It also maintained: "The endorsers of Helper's book in Congress have committed as much an overt act in spirit and design, as if they had personally and physically helped forward Brown's enterprise."¹⁵⁸ In the minds of many southerners, support for Helper's book cast an indelible stain on the sixty-eight Republicans who signed the circular. After the October elections in the North, the *Edgefield Advertiser* reported: "Republicans have in one day re-elected five of the endorsers of Helper's compendium of treason."¹⁵⁹ In December, a reporter for the *Baltimore American* listed the membership of the House "Committee of Thirty-three," which had been created to consider last-ditch compromise measures. The reporter provided "a key to their present political standing," which listed each member's party, views on the sectional crisis, and, where appropriate, that they were "an endorser of the Helper book." Summarizing the committee's membership, the reporter divided it into five groups, including seven "Moderate Republicans," and eight "Helper Book Republicans."¹⁶⁰ The *Charleston Evening News* seems to have picked up on the report, for days later it wrote that "according to a classification made" of the committee, "there are on the list *nine* Black Republicans of the extremest stamp, eight of whom are endorsers of the Helper book."¹⁶¹ One year after the Speaker fight, newspapers could use the term "Helper endorser" with confidence that their readers would understand the allusion and attach the proper opprobrium to the person so designated.

Following Lincoln's election, Republican support for Helper's book cast a shadow over the deliberations of southern legislatures which met to consider their next step. After providing for a state convention, Mississippi lawmakers passed "Resolutions . . . declaring secession to be

¹⁵⁸ "Overt Act," *Charleston Evening News* in *Greenville Patriot and Mountaineer*, November 22, 1860.

¹⁵⁹ "Miscellaneous Items," *Edgefield Advertiser*, October 24, 1860. The congressmen named were: "John Covode and Galusha A. Grow in Pennsylvania, John Sherman and John A. Bingham in Ohio, and Schuyler Colfax in Indiana."

¹⁶⁰ "Washington Letter," *Baltimore American*, December 7, 1860. The other three headings were "Avowed Disunionists," "Democrats," and "Americans."

¹⁶¹ *Charleston Evening News*, December 10, 1860.

the proper remedy for the Southern States,” on November 30, 1860. These justified secession by listing grievances against “the people of the Northern States,” including Harper’s Ferry and Seward’s “irrepressible conflict.” A clear reference to *The Impending Crisis* appeared: “They have sought to create domestic discord in the Southern States by incendiary publications”¹⁶² Mississippi legislators believed the circulation of Helper’s book was a primary reason for leaving the Union. In his opening message to the North Carolina legislature on November 20, Governor John W. Ellis alluded to Helper’s book in discussing how “the people of the northern States have violated our rights.” He asserted: “Inflammatory publications, counselling slaves to rise against their masters, have been systematically circulated throughout the South by the dominant party of the North . . . endorsed by its most influential leaders.” Ellis also noted that Lincoln received no electoral votes in the slave states, and said neither he, nor his vice-president, Hannibal Hamlin, “could have uttered, in many of them, the political sentiments upon which they are elevated to power, without subjecting himself to the penalties of the local criminal laws.”¹⁶³ Rather than see that as an indictment of slavery, Ellis viewed it as a transgression by the Republican candidates. He, like many proslavery men, complained that Republicans did not censor themselves to meet southern strictures against “incendiary” speech and writing. Governor Ellis’s point highlighted the vital importance of the differing views on free speech held by secessionists and Republicans.

In the many public meetings held across the South during the winter of 1860-61, citizens leaning toward secession often mentioned Republican support for Helper’s book. The preamble to resolutions passed at Clinton, North Carolina on November 25 declared:

As an example of their opinions aims and purposes, he [Lincoln] and his supporters, have endorsed the sentiments, and contributed freely by money and labor to the circulation of an infamous publication, the design of which, if carried out, would set the slaves as bloodhounds upon the white race of the Southern States.¹⁶⁴

¹⁶² *Laws of the State of Mississippi, Passed at a Called Session of the Mississippi Legislature, Held in the City of Jackson, November, 1860* (Jackson: E. Barksdale, 1860), 43-45.

¹⁶³ *North Carolina House Journal, 1860-61*, 37-38, 40.

¹⁶⁴ Memorial of the Citizens of Sampson [County], December 4, 1860, “Union Meetings,” GA, 1860-61, NCDAH. The meeting was decidedly not a Union meeting, favoring a convention to effect secession.

These citizens were mistaken about the intent of Helper's book but accorded its endorsement by Republicans a prominent place in their litany of grievances. At a November 22 public meeting in Monroe County, Mississippi, the assembled people anticipated their legislature by complaining about Republican use of incendiary documents. A preamble to resolutions passed by the meeting protested that while Republicans admitted the federal government could not abolish slavery, "they declared that incendiary documents, inciting insurrection, arraying one portion of our people against another, shall be distributed; that through the agency of a free press and free speech, we shall be compelled to emancipate our slaves." It said a Republican administration would use "the power of the government . . . in support of a so called free press and free speech," to assail "our institutions . . . throughout the slave States."¹⁶⁵ The prospect of being forced to defend their institution in an open debate with their neighbors induced these Mississippians to push for a dissolution of the Union.

In Virginia, secessionists raised the issues of *The Impending Crisis* and the threat posed by free speech during the election for a state convention and in its proceedings. Robert Johnston, a candidate for the convention from predominantly nonslaveholding Harrison County, mentioned Helper in his address to voters. Johnston adjusted his words to the sensibilities of his audience, stating that he would not be a "submissionist" and attempting to win sympathy for slaveholders by portraying them as underdogs. He wrote:

Slaveholders are few and weak, everywhere in the Southern States, compared with non-slaveholders; and the former are only strong, anywhere, by means of the brotherly affection of the latter; and this support Helperism, under the auspices of the Black Republican power of the National Government would soon deprive them.

Johnston said Republicans would use federal patronage to win southern adherents and build their party in the slave states, leading to a "contest between Black Republicanism and slavery . . . in the South."¹⁶⁶ His appeals failed to win Johnston election to the convention, largely because the

LVA. ¹⁶⁵ Resolutions of citizens of Monroe County, Mississippi, November 22, 1860, in Letcher Executive Papers,

¹⁶⁶ "An Address to the Voters of Harrison County," Broad-sides, 1861, WVC.

“brotherly affection” of the county’s nonslaveholders had been eroded by the unwillingness of Virginia’s slaveholders to agree to ad valorem taxation of their human property. Just before the convention election, the *Wheeling Daily Union* printed a poem treating current events. One stanza called upon “Ye Greeley’s and Seward’s and Helper’s and Weed’s,” to “contemplate the work of your hands” in the economic distress caused by the national crisis.¹⁶⁷ During the convention’s protracted debates, secessionist delegates said Republican criticism of slavery was intolerable and referred to Helper’s book. On March 4, 1861, John R. Chambliss introduced resolutions calling for Virginia to leave the Union. These said the North was driven by “a ‘consuming hate’” for the South, and cited John Brown’s raid, obstruction of the fugitive slave law, and the idea of an “irrepressible conflict” as examples. This hatred, Chambliss added, “has been manifested by the industrious circulation of incendiary publications, sanctioned by leading men . . . to produce discord and division in our midst.”¹⁶⁸ Days later, Benjamin F. Wysor submitted an ordinance of secession, which followed the example of the Declaration of Independence by submitting “facts” to “the candid and impartial judgment of mankind.” Among the “facts” appeared this criticism of antislavery northerners:

They have, during this whole period, abusing the great rights of freedom of speech and of the press, continued to agitate and discuss, this social and domestic relation of *ours*, not *theirs*, on the hustings, in the pulpit, in the halls of legislation . . . through the political press, through books, pamphlets, and the drama, to our great annoyance and injury.¹⁶⁹

Wysor’s complaint demonstrated the unbridgeable chasm between slavery’s defenders and the Republicans on the issue of free speech. The resolution’s complaint that northerners abused their civil liberties demonstrated the antebellum South’s relative and conditional commitment to the ideals of free speech. For southerners, with a slave population in their midst, security seemed to demand the restriction of certain forms of expression. The controversy over Helper’s attempt to

¹⁶⁷ *Wheeling Daily Union*, February 2, 1861.

¹⁶⁸ *Journal of the Acts and Proceedings of a General Convention of the State of Virginia*, 78, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*.

¹⁶⁹ *Journal of the Acts and Proceedings of a General Convention of the State of Virginia*, 92, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*.

reach southern nonslaveholders instilled a fear among slavery's defenders that lasted until the outbreak of the Civil War, demonstrated by secessionists' repeated and prominent references to Republican support for *The Impending Crisis* as a justification for disunion.

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In *The Impending Crisis*, Hinton Helper expressed the hope that his book would play a role in the abolition of slavery. He wrote: "Each year brings nearer the inevitable crisis. . . . may heaven, through our humble efforts, hasten its advent."¹⁷⁰ Helper's desire was realized, although not in the way he intended, for his book exacerbated the sectional crisis and played a critical role in the decision of seven states to secede before Lincoln's inauguration. As the product of one man, *The Impending Crisis* posed little threat to slavery. Slave states employed repressive laws to restrict the circulation of such materials and were generally able to prevent their transmission through the post office. The refusal of proslavery ideologues to offer any substantive response to *The Impending Crisis* upon its publication in 1857 shows that they were confident of their ability to keep the book from its intended audience of southern nonslaveholders. In 1859, however, when they learned that prominent members of the Republican party had endorsed the book, proslavery leaders reacted with a fury that revealed their fears of class conflict in the South. The controversy surrounding Helper's book weakened southern moderates by instilling the belief that Republican victory in the 1860 presidential election would threaten slavery. A Republican administration, secessionists warned, could foment discontent among nonslaveholders by protecting free speech, delivering antislavery mail, and carefully distributing its patronage. The fear and anger lingered into the secession crisis, with Helper's book often referred to as proof of the Republicans' intent to abolish slavery by sowing dissension among southern whites. Helper's book was significant not because it influenced nonslaveholders to any considerable degree, but because of its impact upon the views of proslavery southerners regarding the future intentions of the Republican party.

¹⁷⁰ Helper, *The Impending Crisis*, 27.

A DANGEROUS CLASS OF MEN, WITHOUT DIRECT INTEREST IN SLAVERY:
PROSLAVERY CONCERN ABOUT SOUTHERN NONSLAVEHOLDERS
IN THE LATE ANTEBELLUM ERA

PT. II

by
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Chapter Five:
Freedom of Thought and *The Impending Crisis*

The controversy surrounding Helper's appeal to nonslaveholders prompted a dramatic intensification of efforts to prevent the circulation and discussion of antislavery ideas within the South. For decades before 1859, the slave states prohibited speech and documents which could produce discontent among the bondsmen, and they also tried to prevent the delivery of antislavery publications through the mail. During periods of crisis, these measures were supplemented by the extralegal mechanism of "vigilance" groups, which ferreted out and arrested persons suspected of tampering with slaves. Southerners justified these restrictions as a way to ensure public safety by minimizing the chances of a slave insurrection. This quarantine upon antislavery ideas also served to facilitate slaveholders' domination of their society by preventing any meaningful public discussion of the South's defining social and economic institution. The steps taken to prevent the circulation of *The Impending Crisis* demonstrate that, for slave owners, the proslavery conformity enforced by the ostensible need to keep dangerous ideas from reaching slaves was not incidental. In their words and actions, proslavery legislators and editors revealed a determination to keep Helper's book and other abolitionist literature from white citizens, as well as slaves.

Southern State Constitutions and Laws

During the American Revolution, southern states adhered to the ideals of the Founders by protecting freedom of the press in their constitutions. The existence of slavery, however, with its imperative of keeping the slaves in check, exercised a pernicious influence on citizens' right to free expression. By the end of the antebellum era, the ostensible need to protect against slave revolts by prohibiting "incendiary" documents and speech had sharply limited the civil liberties of white southerners. States passed laws prohibiting the circulation of antislavery publications, and southern politicians sought to replicate those laws in the territories. These statutes were

putatively meant to keep dangerous ideas from a restive slave population, but they also served to buttress the hegemony of the slaveholding class by providing them with a monopoly over public discourse. The controversy surrounding Helper's book in 1859, in tandem with John Brown's raid, led most slave state legislatures to consider, and in several cases enact, stricter legislation against the incursion of antislavery thought.

The Virginia Bill of Rights, passed on June 12, 1776, included a clear statement of the importance of free expression. Its twelfth article declared: "Freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments."¹ In time, the restraint imposed upon "incendiary" documents by Virginia would be called a bulwark of white liberty, rather than the action of a despotic government. The code of 1860 shows how far the state departed from the ideal expressed in its constitution. Laws passed during the 1830s and 1840s, summarized in Title 54, Chapter 198, Sections 26 to 28, prohibited whites from circulating and discussing antislavery ideas among themselves. Section 26 provided that "if a free person, by speaking or writing, maintain that owners have not right of property in their slaves," he would be jailed up to one year and fined up to \$500. Violators could be arrested "by any white person," a clause which enlisted the entire population in defending slaveholders' ideological dominance.² An incident from early 1861 demonstrates how this law was used to silence white dissenters. On January 10, Peter W. Adams of Farmington informed Governor Letcher of a local blacksmith's heterodoxy. He reported that William Fox, who "is known to be Abolitionist," had expressed regret that "he . . . had not voted for Lincoln," and vowed to "fight for the North." Moreover, Adams told Letcher, Fox had said "there was no property in slaves." Being "opposed to such sentiments," Adams expressed his desire to see Virginia law enforced. In a notation on the back of the letter, Governor Letcher wrote that he had referred Adams "to Chapt 198, Sec 26" of the

¹ Virginia Constitution (1776), art. 1, sec. 12.

² *The Code of Virginia*, 809.

Virginia Code.³ Section 27 prohibited publishing or writing any material “with intent” to counsel slaves to rebel. The “intent” clause, which also appeared in the laws of other slave states, enabled the state to punish critics of slavery, while allowing proslavery individuals to print such material in order to condemn it. Section 28 required postmasters to report the reception, at their office, of antislavery documents to an officer of the law, so that said mail could be burned. It also stated that anyone who subscribed to such literature, “knowing its character,” would be jailed. A citizen of the state could not have an antislavery book or newspaper mailed to him for private use.⁴ Virginians thus surrendered a patrimony of free expression in order to maintain the sordid inheritance of human bondage which had also been bequeathed to them.

In the nineteenth century, newer slave states weakened the protection accorded to free expression in their constitutions. The “Declaration of Rights” in the 1819 Alabama Constitution asserted: “Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty.”⁵ That left the door open for the state to punish the worst abuse of free expression in a slave society, the enunciation of antislavery beliefs. Subsequent laws prevented the distribution of antislavery literature in the state, even among white citizens. Section 3077 of the Alabama Code declared that “if any person in this state writes . . . with intent to circulate . . . words . . . calculated to incite to discontent, insurrection, or rebellion, any slave,” the person would be imprisoned for at least ten years.⁶ Because any writing critical of slavery could be interpreted as being calculated to spark discontent in slaves, and as the law did not specify circulation *among* slaves, it effectively prohibited the writing and publishing of any antislavery documents in the state. Louisiana’s constitution and code were similar in their handling of free expression. The state’s 1852 constitution declared: “Every citizen may freely speak, write and

³ Peter W. Adams to Governor Letcher, January 10, 1861, Letcher Executive Papers, LVA.

⁴ *The Code of Virginia*, 809.

⁵ Alabama Constitution (1819), art. 1, sec. 8.

⁶ *The Code of Alabama*, 559.

publish his sentiments on all subjects; being responsible for an abuse of this liberty.”⁷ In addition to regulating slaves and free blacks, Louisiana’s Black Code also restricted whites’ freedom of expression. It stated that a person who, “with the intent” to create insubordination among slaves, wrote or published “anything having a tendency” to do so, would be imprisoned or executed. The focus on intent allowed the state to prosecute any citizen writing antislavery documents on the grounds that he or she intended to make slaves dissatisfied. Section 29 of the Black Code set draconian restrictions on white citizens’ ability to criticize slavery. It provided:

Whoever, with the intent aforesaid, shall make use of language in any public discourse, from the bar, the bench, the pulpit, or in any place whatsoever, or . . . make use of language in private discourses or conversations, or of signs or actions, having a tendency to produce discontent . . . or to excite insubordination among the slaves . . . or whosoever shall knowingly be instrumental in bringing into this State any paper, pamphlet or book having such tendency, shall . . . suffer imprisonment . . . or death.⁸

No avenue for the expression or contemplation of antislavery opinion was left unchecked by this measure. Public and private discussion of the state’s dominant institution was reduced to the lowest common denominator, as no idea which might make slaves unhappy could be expressed.

Other slave states had laws which, in varying degrees, prohibited speaking or publishing sentiments that could make slaves discontent. Mississippi banned the sale and circulation of such publications under the heading “Seditious Books, &c.” The state code provided:

It shall not be lawful for any vender of books, or other person, to introduce into this State for the purpose of sale or distribution . . . any book, periodical, pamphlet, newspaper, or other publication, calculated or designed to promote insurrection or disaffection amongst the slave population of the State, or advocating the abolition of slavery.

Violators were fined up to \$500 and possibly imprisoned for up to six months, and the proscribed documents would be destroyed. The statute made it impossible for bookstores or peddlers to sell antislavery works and also prohibited the gratuitous distribution of antislavery political literature. Mentioning nothing about circulation among slaves, the law made it virtually impossible for the

⁷ Louisiana Constitution (1852), title 6, art. 106.

⁸ *Acts Passed by the Second Legislature of the State of Louisiana, At Its Second Session, Held and Begun in the Town of Baton Rouge, on the 15th January, 1855* (New Orleans: Emile La Sere, 1855), 381.

state's citizens to be exposed to anything but proslavery thought.⁹ Tennessee was also strict on publications but treated speech more liberally and rationally than some states. Its code stated that no person could write or print "with a view to its circulation, any paper . . . calculated to excite discontent" among slaves or free blacks; nor could anyone "circulate, or aid or abet in circulating . . . any such production." It also said that only antislavery speech delivered "in the presence or hearing of any slave or free person of color" was prohibited, a distinction based on the evanescent quality of speech.¹⁰ Georgia, like other slave states, prohibited "any attempt, by writing, speaking, or otherwise, to excite an insurrection or revolt of slaves."¹¹

An 1860 ruling by the North Carolina Supreme Court demonstrated that laws covering incendiary documents could be selectively applied to opponents of slavery. The North Carolina Code, in language similar to the aforementioned state laws, provided that "if any person shall . . . circulate or publish within the State . . . any written or printed pamphlet or paper . . . the evident tendency whereof is to cause slaves to become discontented," they would be whipped and imprisoned for up to one year.¹² In the spring of 1860, a clergyman named Daniel Worth was convicted under this statute for circulating *The Impending Crisis* among whites in Guilford County, located in central North Carolina.¹³ His counsel appealed the verdict, and the supreme court considered the appeal in June 1860. The court upheld Worth's conviction; its opinion, authored by Justice Matthias E. Manly, showed how the law could be applied only to critics of slavery. Manly wrote:

A copy might be delivered from one person to another, in North Carolina, under such circumstance as to divest it of criminality, as when it is delivered, not approvingly and for the purpose of propagating its principles, but to gratify curiosity, both parties to the act being equally opposed to the design.¹⁴

⁹ *Revised Code of Mississippi*, 578.

¹⁰ Meigs and Cooper, *The Code of Tennessee*, 517-518.

¹¹ Clark, Cobb, and Irwin, *The Code of the State of Georgia*, 818.

¹² Biggs and Moore, *Revised Code of North Carolina*, 205. A second conviction incurred the death penalty.

¹³ Worth was also convicted of this offense in nearby Randolph County.

¹⁴ Hamilton C. Jones, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina, From December Term 1859, to August Term, 1860, Inclusive*, vol. 7 (Salisbury: J. J. Bruner, n.d.), 490.

This interpretation established a two-tiered system of freedom of the press; one for supporters of slavery and one for persons who believed, or could be persuaded, that it should be abolished. Persons whose “soundness” on slavery was unquestioned could read what they chose, while those whose loyalty was uncertain could not read antislavery documents. In stating the doctrine, Manly did nothing more than describe contemporary practice in the South. Earlier in 1860, during the partisan squabbling over John A. Gilmer’s suitability for the Speakership, the *Greensboro Patriot* argued that William W. Holden, Democratic editor of the *Raleigh Standard*, preferred to see John Sherman elected over Gilmer.¹⁵ Asking how Democrats would react, the *Patriot* implied that the state laws against incendiary speech and writing were unequally enforced, depending on a person’s class. “One thing is certain,” it declared, “if any citizen of Guilford, and especially, any non-slaveholder was to express such a preference, he would immediately be arrested.”¹⁶ The *Patriot* subsequently printed a letter from “Bodisco,” who said Democrats were hypocrites for denouncing Gilmer. They charged Gilmer with abolitionism, he said, “for sending one or two Free-Soil speeches” to persons who requested them, while Democratic newspapers “circulate Seward’s . . . irrepressible conflict speech, broad cast among their hundreds and thousands of slaveholding and non-slaveholding subscribers with perfect impunity.” He noted tartly: “If a pedler should be caught with a half dozen copies of this speech in his pack, he would be ‘tarred, feathered, and lynched.’”¹⁷ Bodisco ascribed the difference to partisan politics, overlooking the point that Republican speeches sent in the mail, or carried by a peddler, were dangerous because they were unmediated. Seward’s speech could be presented if it were accompanied by editorial condemnation. As long as antislavery ideas were introduced with scorn or contempt by the elite, and not, as Manly wrote, approvingly or to propagate those ideas, they could be discussed. Slaveholders feared that nonslaveholders who were not instructed how to interpret an incendiary

¹⁵ “Prefers Sherman to Gilmer,” *Greensboro Patriot*, January 13, 1860. Holden declared that he would not support Gilmer because his election “would divide us here at home, and viewed in this aspect, it would really injure North Carolina more than would the election of Sherman.”

¹⁶ “Would not Vote for Gilmer,” *Greensboro Patriot*, January 13, 1860.

¹⁷ *Greensboro Patriot*, January 27, 1860.

document like *The Impending Crisis* might read it with an open mind and become persuaded that their class interest was not synonymous with that of slaveholders.

The 1860 decision of the North Carolina Supreme Court also showed that such laws were broadly construed to forbid entirely the circulation of antislavery literature among white citizens. In appealing Worth's conviction for circulating *The Impending Crisis*, his counsel asserted that the statute referred to "the sale and delivery of a copy to a slave or free negro, or the reading the same in their presence."¹⁸ Because Worth gave the book only to white men, his counsel argued, the conviction should be overturned. Months earlier, in January 1860, "B," a correspondent of the *Carolina Watchman*, had confidently asserted that same interpretation of the statute. "It has been heretofore received as law," he wrote, "that the statute substantially contemplated the prohibition of circulating seditious publications among slaves and free negroes." He argued that the revisers of the code, "in their marginal notes on the statute," favored that view, and claimed that "the general policy of our enactments, constitutional and legislative, on the whole subject," was consistent with such a reading.¹⁹ Had the law been enforced in consonance with the interpretation of "B" and Worth's counsel, slaveholders would have found it difficult, if not impossible, to keep *The Impending Crisis* from reaching southern nonslaveholders. In his opinion, however, Manly rejected the assertion that one must deliver the book "to a slave or free negro," or read it in their presence, to be convicted under the statute. He maintained:

There is no such qualification of the offence. . . . It is . . . unlawful to circulate . . . written or printed matter, the evident tendency of which is to cause slaves to be discontented. . . . No license is given to circulate, among any class, by restricting the prohibitory provision to some particular ones. The circulation, within the State, is alike prohibited, whether it be amongst whites or blacks. The Legislature seems to have assumed, that if a circulation was once established . . . its corrupting influence would inevitably reach the black. . . . The spirit of the law can only be accomplished by giving it an unrestricted construction.²⁰

¹⁸ Jones, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina, From December Term 1859, to August Term, 1860, Inclusive*, 7:489.

¹⁹ "For the Watchman," *Salisbury Carolina Watchman*, January 17, 1860.

²⁰ Jones, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina, From December Term 1859, to August Term, 1860, Inclusive*, 7:492.

Manly's argument provided a justification for slave states to restrict nonslaveholders' access to antislavery arguments, without directly impinging on freedom of the press. Given the similarity between North Carolina law and that of other slave states, the judiciary in those other states could have cited his opinion as a precedent.

In addition to demanding the right to take human property into the territories, proslavery ideologues tried to bring the censorship needed to maintain their institution. An 1855 code for the Kansas Territory, crafted by the proslavery legislature, banned antislavery speech and writing, and could have tipped the scales for Kansas to become a slave state. The code outlawed speech and writing that would "advise, persuade, or induce" slaves to rebel, it prohibited circulating documents "for the purpose of exciting insurrection," and it stated that anyone who circulated literature calculated to cause unrest among slaves would be imprisoned for five years. Although those provisions seem to have closed all avenues for antislavery thought, the code explicitly forbade any criticism of slavery. It read:

If any free person, by speaking or by writing, assert or maintain that persons have not the right to hold slaves in this Territory, or shall introduce into this Territory . . . any book, paper, magazine, pamphlet, or circular, containing any denial of the right of persons to hold slaves in this Territory, such person shall be . . . punished by imprisonment at hard labor for . . . not less than two years.²¹

This section would have explicitly codified the censorship which, in most slave states, combined de facto and de jure elements. Its authors clearly meant to restrict whites' freedom of expression and create a new slave state. Slaveholders hoped to win Kansas by imposing the censorship with which they maintained their institution in the South. The code failed because the legislature that enacted it was illegitimate. Nevertheless, it shows the contempt that proslavery ideologues had for freedom of expression in the late antebellum years, and the ideal to which they aspired.

²¹ "The Border Ruffian Code in Kansas. Chapter 151. Slaves; An Act to Punish Offences Against Slave Property. 'Laws of the Territory of Kansas,'" in Paul Finkelman, ed., *Statutes on Slavery: The Pamphlet Literature* vol. 2 (New York: Garland, 1988), 333-334.

Despite having strict laws on the books, southern state legislatures reacted to Harper's Ferry and the Speaker fight by enacting further restrictions on antislavery expression. In 1859, Florida passed a law which, according to historian Julia Floyd Smith, forbade "the circulation of all books, newspapers, and pamphlets advocating abolition doctrine."²² The North Carolina legislature did not meet until November 1860, but it then took steps against the expression of antislavery views. In light of Justice Manly's opinion supporting a broad construction of the law against incendiary documents, the legislature could do little in that area. Lawmakers, however, increased the penalties for that offense and they criminalized antislavery speech, even when not delivered in the presence of slaves. On November 22, a legislator in the House introduced a bill to amend the sections of the code dealing with incendiary speech and literature. The bill retained the language on incendiary publications but increased punishment for a first offense from one year in prison, and possible whipping, to death. It also preserved language forbidding persons from trying, "by words," to excite insurrection among slaves or free blacks, while escalating the penalty from thirty-nine lashes and one year's imprisonment to death for the first offense.²³ In addition, the bill added entirely new language to the code which made illegal any verbal criticism of slavery. Section three stated: "If any person shall use inflammatory language, the tendency of which would be to excite in any slave or free negro a spirit of insurrection . . . he shall be . . . fined or imprisoned, at the discretion of the court."²⁴ If the logic of Manly's opinion were applied to that language, antislavery speech in any forum could have been prohibited. This provision could have been used to silence class-based opposition to slavery among nonslaveholders. The bill received an unfavorable report from the House judiciary committee, but it was enacted on

²² Smith, *Slavery and Plantation Growth in Florida, 1821-1860*, 110.

²³ HB111, GA, 1860-61, NCDAH. In the existing code, both sections provided for death on the second offense.: Biggs and Moore, *Revised Code of North Carolina*, 205-206.

²⁴ HB111, GA, 1860-61, NCDAH.

February 23, 1861.²⁵ Months later, the state's nonslaveholders would be asked to fight for a system they were not allowed to criticize.

Virginia legislators did not revise the state's laws regarding incendiary documents, but they acted to facilitate the apprehension of violators. On December 9, 1859, in the House of Delegates, John J. Thompson offered a resolution of inquiry into allowing "county courts, on the northern and western borders," to appoint a "special police." The police would have the duty "to watch the motions of all abolition emissaries, whether resident or itinerant," and "to guard the community against such, and all other enemies . . . of slavery."²⁶ In January 1860, a writer identified only as "Marshall" recommended "a vigilant detection Police" to Governor Letcher. He suggested that this police be created by the state offering "a continual reward, (say \$5000) for the detection and apprehension of any Abolitionist within her borders." The money for the reward, he advised, "could be raised . . . by levying a tax of 10 cents per head on all slaves."²⁷ In short, Marshall wished to have slaveholders pay to make every resident of the state a posse to ferret out any opponents of slavery, whether they tampered with slaves or not. On January 18, 1860, a bill combining parts of the two suggestions was submitted in the House. It required each county court to "appoint a special police force," composed of "not less than twelve suitable and discreet persons." The police were empowered to arrest anyone suspected of violating "the laws of the state," especially "persons found unlawfully tampering with any slave." They could also seize anyone "printing or circulating any documents . . . of an incendiary and unlawful character." Finally, the police could arrest "any non-resident" whom they had reason to believe "meditates a violation of the laws." County courts would pay the police either out of the "county levy," or by

²⁵ Report in "House Committee Reports," GA, 1860-61, NCDAH; *Public Laws of the State of North Carolina, Passed by the General Assembly, At Its Session of 1860-'61* (Raleigh: John Spelman, 1861), 39-40.

²⁶ *Virginia House Journal, 1859-60*, 46. Thompson represented Putnam County, in the northwest.

²⁷ Marshall to Governor Wise, January 7, 1860, in Letcher Executive Papers, LVA.

imposing a “special levy on slave tithables.”²⁸ The legislature passed the bill, and county courts were constrained to deputize men to enforce a conformity of opinion on slavery in Virginia.²⁹

The South Carolina legislature considered a bill which would have allowed the wanton killing of persons opposed to slavery by making antislavery expression a justifiable cause of homicide.³⁰ On December 8, 1859, James M. Gadberry introduced the innocuously titled “Bill to alter the Law of Homicide in certain cases” into the House. Its first section provided that “in any trial for homicide it shall be a good defence” if the decedent, “at the time the injury were inflicted,” had been “running off a slave,” helping one escape, or trying to persuade one to leave his or her master. This section also stated that it would be a good defense if the victim “was found circulating seditious or incendiary books, papers, or other documents, or uttering incendiary or seditious language with the intent to incite insurrection amongst the slaves.” No more chilling effect on antislavery expression could exist than permitting the circulator or speaker to be killed with impunity. Section two of the measure suggests the extremity to which the idea of criticizing slavery drove some southerners. It declared:

In all such trials where the killing was in mutual combat, or upon sudden heat and passion if it shall clearly appear that the provocation, on the part of the person slain was the use of seditious or insurrectionary language the said killing shall be deemed and held excusable homicide.”³¹

A good southerner might be driven into a murderous rage by hearing criticism of slavery and could not be held responsible for his or her actions. The House concurred in the report of its judiciary committee, which recommended against passage of this bill.³² Although it failed to win

²⁸ “A Bill directing the appointment of a special police force by the County Courts throughout the Commonwealth,” Rough Bills: 12/5/59-4/2/60 (#1-248). General Assembly. House of Delegates RG79, LVA.

²⁹ *Virginia Acts, 1859-60*, 172-173.

³⁰ South Carolina revised its law on incendiary documents in December 1859 and, in the winter of 1860-61, considered a bill which would have explicitly prohibited speech and publications meant to cause disaffection among nonslaveholders. These developments are covered in Chapter Six.

³¹ “A Bill To alter the Law of Homicide in certain cases,” S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDH. Gadberry represented Union District.

³² Report ND-4628 in S165005: Committee Reports, SCDH.

passage, the bill demonstrated the visceral feelings aroused in many proslavery men by the profusion of abolitionist literature.

Tennessee Democrats showed a selective commitment to restricting forms of expression that could spark disorder, thereby revealing their loyalties. On October 24, 1859, Democrat R. T. Hildreth introduced “A Bill to repeal Section 4766 of the Code” into the state senate. The bill’s preamble stated that the sedition law passed during the presidency of John Adams “has met with the almost universal condemnation of the American people as being dangerous to civil liberty and destructive to the freedom of the press.” Accordingly, the bill provided for repealing Section 4766 of the Tennessee Code.³³ That section allowed the state to imprison persons guilty of

uttering seditious words or speeches, spreading abroad false news, writing or dispersing scurrilous libels against the State or general government, disturbing or obstructing any lawful officer in executing his office; or of instigating others to cabal . . . thereby to stir people up maliciously to contrive the ruin and destruction of peace, safety, and order of the government.³⁴

The bill quickly gained the approval of the Senate, passing by a vote of 20 to 3.³⁵ All three votes against it were cast by Opposition senators, who understood that the law could be used against secessionists. It encountered a delay in the House, but finally passed by a 43 to 16 vote on March 19, 1860, removing the sedition law from the code.³⁶ Tennessee ended its prohibition of speech and activity directed against the state and federal governments, but retained Section 2682 of the state code, which forbade the circulation of documents “calculated to excite discontent” among slaves.³⁷ Residents could advise overthrowing the government, but they were not permitted to distribute publications critical of slavery. Tennessee’s Democratic party, which took its direction

³³ SB42, Senate Bills 1859-60, RG60: Legislative Materials, TSLA.

³⁴ Meigs and Cooper, *The Code of Tennessee*, 854.

³⁵ *Tennessee Senate Journal*, 1859-60, 92-93.

³⁶ SB42, Senate Bills 1859-60, RG60: Legislative Materials, TSLA; *Tennessee House Journal*, 1859-60, 1068; *Tennessee Acts*, 1859-60, 83.

³⁷ Meigs and Cooper, *The Code of Tennessee*, 517.

from the slave owning interest, thus cleared the way for the employment of secessionist rhetoric, which aimed at destroying the federal government in order to protect slavery.

Incendiary Documents Through the Mail

Harper's Ferry and the controversy over *The Impending Crisis* revived the long-standing, if episodic, southern concern about the circulation of antislavery publications through the mail. Beginning in the 1830s, when abolitionists began to freight the mails with unsolicited literature, southerners worried about the infiltration of subversive ideas through this medium, which went into every hamlet in the nation. With the tacit acceptance of the postmaster general and the aid of local postmasters, proslavery men in the South destroyed abolitionist documents sent through the mail. They did so in order to keep criticism of the peculiar institution from reaching slaves and white nonslaveholders. In 1849, for example, the postmaster at Spartanburg, South Carolina burned "incendiary tracts" which had been delivered to his office. Applauding the postmaster's act, a local newspaper asserted that such documents would "be powerless for injury, were it not for two causes . . . the danger of insurrection arising from secret excitements . . . and secondly, the danger of arraying the non-slaveholding against the slaveholding interests of the State."³⁸ In the winter of 1859-60, proslavery men familiar with the nature of Helper's book attempted to keep it from reaching southern nonslaveholders via the mail. A number of states explicitly forbade postmasters from delivering incendiary documents to any resident. In Virginia, which already had such a law, the state's attorney general defended the constitutionality of the measure.

³⁸ "The North and the South—Symptoms of Disease at Home," Spartanburg *Spartan*, April 24, 1849. The pamphlets were addressed "To the Voters of South Carolina," and were intended, the *Spartan* wrote, "to raise an Abolition party in South Carolina." Reacting to this and several other instances of antislavery documents being mailed to state post offices in 1849, the South Carolina legislature considered a bill to punish postmasters who "knowingly" delivered any literature "calculated to disturb the peace & harmony of the People of this State in relation to the Slave population." Postmasters would have been enjoined from delivering such mail to "any person or persons or to any slave or free person of colour," and violators would have been imprisoned for up to one year and fined up to \$1,000. The legislature rejected the bill on December 17, 1849.: "A Bill to protect the people of this State from incendiary publications through the United States mail," S165001: Acts, Bills, and Joint Resolutions, 1849 Session, SCDAH.

The great responsibility placed on postmasters imparted urgency to the fact that a Republican president would be able to appoint his own officials at every post office in the South.

Southerners complained of antislavery documents being sent through the mail even when recipients subscribed to a publication. In 1856, a grand jury in Virginia indicted Horace Greeley for circulating the *New York Tribune* in Harrison County. Two residents, probably subscribers, were charged with “aiding in the circulation” of the newspaper.³⁹ Months later, the *Montgomery Mail* sought the help of postmasters in stigmatizing readers of “northern incendiary papers.” It contended that “a good deal of deviltry” was imparted to urban slaves “by means of such papers as the New York Tribune.” To end the patronage of such papers “by public opinion,” the *Mail* recommended: “Post Masters in all Southern towns might be called on to give the names of all subscribers . . . to the papers mentioned.” It believed such action would lead to a “dropping off” in subscriptions, and at least “we should at any rate know ‘who was who.’” Subscribers could be ostracized and intimidated to ensure their adherence to proslavery thought. Under the guise of keeping antislavery ideas from bondsmen, the *Mail* tried to restrict the freedom of white citizens through community pressure.⁴⁰ In December 1859, two northern teachers were forced to leave a community in South Carolina. A local newspaper said the men committed “no act dangerous to the public interest, except receiving notorious abolition newspapers,” which it described as “a rather common offence even among true Southerners.”⁴¹ That claim was not meant to exonerate the two men, but to pressure southerners who subscribed to antislavery newspapers.

The postal service was indispensable to any effort to distribute *The Impending Crisis* in the South, for bookstores would not stock it. Persons buying it from an itinerant book agent, or peddler, likely received a copy through the mail; as would anyone ordering it from the publisher. Any Republican effort to distribute free copies would have relied on the mail as well. Shipments

³⁹ “News Scraps,” *Spartanburg Carolina Spartan*, October 30, 1856.

⁴⁰ “Northern Incendiary Papers,” *Montgomery Mail*, December 18, 1856. It conceded communities had “no legal right” to impose this duty, but claimed “no post master would refuse.”

⁴¹ *Spartanburg Carolina Spartan*, December 8, 1859.

could be sent via a private company like Adams Express, but these attracted unwanted attention. The advertisement Helper placed in the *Carolina Watchman* in June 1857 had information for ordering by mail, but it ran only for one week.⁴² Later that year, Helper used the mail in an effort to get his message to southern readers. In September 1857, the *Raleigh Standard* complained that Helper “has dared to send out among our people copies of the prospectus of his book,” and said “hundreds . . . are now passing through the mails, many . . . to persons in Guilford, Davidson and Rowan [counties].”⁴³ The prospectus gave the publisher’s address and stated: “*Single copies sent by mail on receipt of the price.*”⁴⁴ An advertisement that appeared in *Harper’s Weekly* during the Speaker fight read: “Single copies sent to any address, post-paid, on receipt of price.”⁴⁵ More alarming to slaveholders than individual purchases, however, was the revelation that dozens of Republican congressmen favored “the gratuitous distribution of one hundred thousand copies” of a compendium of the book.⁴⁶ Although Republicans meant to circulate it in states like Indiana and Illinois, southerners believed they would eventually use the mail to send into the slave states.

The renewal of southern concern over the postal system was prompted by Harper’s Ferry, but it focused on *The Impending Crisis* after the *New York Herald* broke the news of Republican support for the book in November 1859. Following John Brown’s raid, Virginia governor Henry Wise asked the state’s attorney general, John Randolph Tucker, to provide an opinion on the state law which required postmasters to inform an officer of the law if incendiary publications came to their office. The law officer would burn the material and arrest the addressee if that person had agreed to receive it. In his opinion, delivered November 26, Tucker maintained that the law was constitutional. He claimed that the federal power to transmit mail did not include the power to circulate; that was a “State power, reserved . . . as a security to its citizens and to their rights.”

⁴² Salisbury *Carolina Watchman*, June 23, 1857.

⁴³ “Hinton R. Helper,” *Raleigh Standard* in *Carolina Watchman*, September 22, 1857.

⁴⁴ “Just Published, the Greatest Anti-Slavery Book Ever Produced!” n.d. circular, ca. 1857, in Benjamin Sherwood Hedrick Papers, SHC.

⁴⁵ *Harper’s Weekly*, December 31, 1859, 843; *Harper’s Weekly*, January 7, 1860, 14.

⁴⁶ *New York Herald*, November 26, 1859.

Once the mail reached the local post office, Tucker asserted, federal power ceased and the state would determine whether it would be delivered. Postmasters in Virginia, he said, were required to obey state laws regarding the distribution of mail, despite being officers of the federal government. The essential point, Tucker wrote, was that “no citizen has the right to receive an invitation to treason.” Any act of Congress which abridged this reserved right of the state, he claimed, would be unconstitutional, and postmasters could not avoid punishment by claiming to obey federal law. Tucker concluded: “It is eminently important that the provisions of the law in question should be rigidly adhered to by all the postmasters in the State.” His opinion enunciated the theoretical basis for the southern practice of destroying abolitionist materials sent through the mail and was rendered just in time to interdict circulation of Helper’s book. Tucker did not refer to *The Impending Crisis*, but, when it printed his opinion, the *Richmond Enquirer* emphasized the need for postmasters to intercept Helper’s book. It wrote: “We hope that none will permit ‘*The Impending Crisis*,’ a villainous abolition publication, nor the New York ‘Tribune,’ . . . to pass through their offices.”⁴⁷ Other newspapers followed the *Enquirer* in claiming that Tucker’s opinion on the Virginia law applied particularly to Helper’s book. In South Carolina, the *Carolina Spartan* claimed the correspondence between Wise and Tucker had “particular reference to an infamous publication entitled ‘The Impending Crisis.’”⁴⁸ By transmuting an opinion submitted in reference to Harper’s Ferry into a warning against *The Impending Crisis*, proslavery editors showed their preoccupation with keeping the book from southern nonslaveholders.

The publicity given to Tucker’s opinion encouraged other states to make similar demands of postmasters. In North Carolina, the executive branch interpreted a statute forbidding the

⁴⁷ “The Post Office and Abolition Documents,” *Richmond Semi-Weekly Enquirer*, December 2, 1859. The *Enquirer* said it would mail a copy of Tucker’s opinion to every postmaster in Virginia.

⁴⁸ “Abolition Documents,” Spartanburg *Carolina Spartan*, December 15, 1859. Some newspapers lauded the opinion without mentioning Helper’s book. A Georgia paper concluded: “The circulation of objectionable mail matter in Virginia may be regarded as definitely prohibited.”: “Distribution of Incendiary Documents in Virginia,” *Augusta Daily Chronicle and Sentinel*, December 6, 1859.

circulation of incendiary publications in such a way as to require postmasters to stop that kind of mail from being delivered.⁴⁹ In early December 1859, North Carolina's governor and Council of State adopted resolutions dealing with the sectional crisis, including one prohibiting the delivery of antislavery documents through the mail. One of the resolutions declared:

As certain papers and books of an incendiary character, calculated and having a tendency to excite slaves to acts of insubordination, are being circulated in this State through the post-office . . . we advise . . . the Governor, to take all needful action to prevent the same; and that all post-masters in this State be forbidden . . . to deliver any such . . . publication . . . such conduct on their part will be regarded as a circulation.⁵⁰

Like the *Richmond Enquirer* did with Tucker's opinion, the *Raleigh Standard* made this general statement apply specifically to *The Impending Crisis*. When it printed the resolutions, the

Standard warned: "Let Postmasters bear in mind that this book of Helper's is incendiary in its character, and that the law will be enforced against all persons who may aid in circulating it."⁵¹

The *Charleston Courier* printed that warning, spreading the idea that postmasters should be particularly concerned with preventing *The Impending Crisis* from being delivered.⁵² Days later, Judge Romulus Saunders echoed the Council of State in his charge to the grand jury for Wilson County, North Carolina. He noted that Helper's book "appeals to the non-slaveholders," and claimed it was "the duty of all Postmasters to see that no such pamphlets are given out for circulation." Grand jurors deferentially included these points in their presentment, which complained that the post office, "a department of the government alike the agent of all," was now used to transmit "incendiary and seditious treachery through our section." The presentment concurred that "postmasters ought to be held to a rigid responsibility that they suffer no incendiary publication . . . to be distributed."⁵³ North Carolina's leadership deemed Helper's

⁴⁹ For the statute, see Biggs and Moore, *Revised Code of North Carolina*, 205.

⁵⁰ "The Council of State," *Raleigh Weekly Standard*, December 10, 1859.

⁵¹ "Helper's Book," *Raleigh Weekly Standard*, December 10, 1859.

⁵² "Helper's Book," *Raleigh Standard* in *Charleston Daily Courier*, December 12, 1859.

⁵³ "Charge of Judge Saunders to the Grand Jury of Wilson County," *Raleigh Weekly Standard*, December 21, 1859.

appeal to nonslaveholders to be the main reason for postmasters to exercise vigilance over the mail coming through their offices.

One North Carolina resident, identified only as “B,” dissented from the state’s emerging consensus regarding the duty of postmasters. In a letter to the *Carolina Watchman*, B expressed surprise that newspapers printed the resolutions of the governor and Council of State, “without scarcely a single remark upon their extraordinary character . . . particularly . . . the warning they give Postmasters.” Noting the declaration that any postmaster delivering incendiary mail would be prosecuted in the same manner as a person circulating such documents, he questioned that interpretation of the law. A correct understanding of the statute was vital, B argued:

It deeply concerns those of us who get any thing through the mails, to know whether the postmaster is an authorized censor of all that we may receive or send? . . . Whether he has the right and is bound to the duty of supervising every newspaper, pamphlet, document and letter which may pass through his hands?

Moreover, he wrote, postmasters must know whether they could be prosecuted for an oversight on their part. The resolutions imposing this duty of surveillance on postmasters, B argued, were contrary to public opinion. “I am persuaded,” he wrote, “that this is not the public will of North Carolina, though it may be the will of the Governor and the Council of State.”⁵⁴ In support of his argument, B quoted the relevant statute and examined its language. The statute provided that any person who “wilfully” circulated, or aided the circulation within the state of any publication which could “cause slaves to become discontented,” would be imprisoned for at least one year, and might also be whipped. It said nothing about postmasters being required to intercept such documents.⁵⁵ Dissecting the statute, B focused on the word *wilfully*, arguing that it established “both voluntariness . . . and a set purpose to commit the prohibited act.” Neither condition could be imputed to a postmaster, who was a public official acting under a law which required him to “hand over any mail matter to the persons to whom it may be directed.” A postmaster had no

⁵⁴ “For the Watchman,” *Salisbury Carolina Watchman*, January 17, 1860.

⁵⁵ Biggs and Moore, *Revised Code of North Carolina*, 205.

discretion, and could not be said to “*wilfully*” circulate incendiary documents. The resolutions, B argued, put postmasters in an impossible position: “The postmaster . . . is bound to know the contents of every thing that comes or goes through his office; and if . . . he mistakes the character of an envelope . . . bonds and imprisonments . . . await him!” He said the resolutions made “the postmaster . . . the judge of the evident tendency of every species of mail,” and exclaimed: “God deliver postmasters and all of us from such a law!”⁵⁶ Postmasters across the state might well have echoed that complaint in regard to the onerous responsibilities imposed upon them, and the risks they incurred in performing their tasks.

The example of one North Carolina postmaster who ferreted out incendiary documents showed the difficulties imposed on such officials there and highlighted the potential for conflict between state and federal authorities. Massachusetts senator Henry Wilson received a combative letter from the postmaster at Leechville, North Carolina, stating that copies of his speeches sent in the mail violated the state law regarding incendiary documents. Wilson assumed that because the speeches were mailed in sealed envelopes, the postmaster must have opened them, a violation of federal law. He complained to Postmaster General Joseph Holt, who investigated and found that the postmaster gained “knowledge of the contents . . . not by violating the sealed envelopes, but by seeing the speeches ‘after they were taken out of the office.’” Moreover, the postmaster “neither opened the packages nor refused to deliver them.” Holt’s explanation showed the almost intolerable nature of the position in which postmasters found themselves. He told Wilson:

The discourteous and unbecoming language of his letter to you was no doubt prompted by apprehensions naturally excited by the stringent course of legislation in that state against the circulation of incendiary documents, & the interpretation which that legislation has received at the hands of the courts.

Holt enclosed with his letter “the statute, the penalties of which the Postmaster . . . feared he was in danger of incurring, together with the charge of Judge Saunders.” The postmaster, Holt wrote,

⁵⁶ “For the Watchman,” *Salisbury Carolina Watchman*, January 17, 1860.

had received further instructions, and would cause no more trouble.⁵⁷ In his letter to A. Latham, the Leechville postmaster, Holt underscored the conflicting demands placed on Latham by state and federal imperatives, and accepted the southern view of the situation. The postmaster general was “gratified” that Latham had not opened the envelopes and firmly reminded him: “It would be a high offense against the law & the postal service were you . . . to violate the seal of any package . . . it is clearly your duty to deliver all such.” Holt explained to Latham that he could not know the contents of sealed packages, and so “in delivering them can have no criminal intent.” If he delivered incendiary documents mailed “in open envelopes,” Holt warned Latham, “you might be chargeable with a knowledge of their character.” At that critical juncture of his instruction, Holt allowed the North Carolina law to supersede federal postal regulations, telling Latham “your duty, under such circumstances, would not oblige you to expose yourself to the severe penalties of the statute,” by delivering incendiary publications sent in open envelopes.⁵⁸ As a Democratic official, Holt was not disposed to challenge southern laws which impeded delivery of the mail. If a Republican won the presidency in 1860, southerners knew, the next postmaster general would not be so accommodating, and the conflicting state and federal imperatives might provoke a confrontation.

On December 22, 1859, South Carolina’s legislature passed a law against the circulation of incendiary documents which explicitly prohibited postmasters from delivering such mail. During the session, Senator A. C. Garlington warned there would be “assaults and inroads upon the institutions of the South” if it remained in the Union. As an example, he declared: “Look at the post-office system . . . its ramifications extending into every nook and corner of the country!” While southerners remained in a Union with people opposed to slavery, he contended, the postal

⁵⁷ Postmaster General Holt to Senator Henry Wilson, March 19, 1860, in Volume 76, Mar. 18, 1859 to Mar. 6, 1861; Letters Sent, 1789-1952; Entry 2, Office of the Postmaster General; Records of the Post Office Department, Record Group 28; National Archives.

⁵⁸ Postmaster General Holt to Mr. A. Latham, March 19, 1860, in Volume 76, Mar. 18, 1859 to Mar. 6, 1861; Letters Sent, 1789-1952; Entry 2, Office of the Postmaster General; Records of the Post Office Department, Record Group 28; National Archives.

service constituted “an engine of evil.” Garlington asked a question uppermost in the minds of proslavery men: “What influences may it send into our midst—is it sending?”⁵⁹ South Carolina was not ready to secede, but it tried to limit the infiltration of dissenting ideas by passing “An Act to provide for the Peace and Security of this State.”⁶⁰ The final section of the act, like the Virginia law, required postmasters to notify a magistrate if they “shall know” that incendiary documents had come to their office. Said magistrate would have the documents burned and arrest the intended recipient if that person had agreed to receive the documents. The law did not impose any punishment on careless or recalcitrant postmasters, but it did provide for fining magistrates who failed to perform their duty.⁶¹ As in Virginia and North Carolina, newspapers reminded postmasters of their duty to become informants. The *Lancaster Ledger* printed the full text of the act and commented: “Postmasters are charged with an important duty relative to matter passing through their offices.”⁶² Officials of the federal government were charged with being the censors of a state government controlled by slave owners, in order to keep subversive publications from reaching slaves and nonslaveholding whites.

Hinton Helper’s zest for confronting his adversaries gave an impetus to Florida’s passage of a law against incendiary documents. On December 15, 1859, Governor Madison S. Perry told legislators: “Incendiary efforts are being made in this State, by distributing amongst our people, through the United States mail, printed matter inciting negros to rebel or make insurrection, and inculcating resistance to the right of property of masters in their slaves.” He spoke from personal experience, revealing that a few days earlier, a copy of *The Impending Crisis*, “addressed to the Governor of Florida, was received by me through the Postoffice.”⁶³ For Perry, a supporter of the proposal to exempt slaves from debt liability, the idea of Helper’s book being mailed to Florida

⁵⁹ *Charleston Mercury*, December 13, 1859.

⁶⁰ The provisions of this statute are detailed in Chapter Six.

⁶¹ *Acts of the General Assembly of the State of South Carolina, Passed in December, 1859* (Columbia: R. W. Gibbes, 1859), 768-769 (hereafter cited as *South Carolina Acts, 1859*).

⁶² “Recent Acts,” *Lancaster Ledger*, January 18, 1860.

⁶³ “Incendiary Publications—Special Message,” *Charleston Daily Courier*, December 21, 1859.

nonslaveholders had to be alarming.⁶⁴ Accordingly, he asked the state legislature to “pass a law similar to that passed by . . . Virginia, preventing incendiary publications from being distributed through the United States mail.” Perry also called for a law punishing “any persons who shall circulate any abolition paper of any character.” He concluded by suggesting that if the federal government would not cooperate in enforcing such laws, the state would be justified in leaving the Union. Perry told lawmakers that Florida should “first endeavor to have her rights under the Constitution enforced; and when denied let her people determine the course to be pursued.”⁶⁵ The legislature wasted no time in acting upon his recommendations, passing “An act to prevent the circulation of books, newspapers, or pamphlets tending to incite slaves to revolt,” on December 21, 1859. As the governor advised, it contained a provision similar to Virginia law, requiring postmasters to inform a magistrate when incendiary mail came to their office.⁶⁶ Perry’s words made it clear that he wanted to keep antislavery publications from white nonslaveholders and that he would favor disunion to achieve that goal.

In January 1860, the Tennessee legislature rejected a bill which would have imposed severe penalties on postmasters who knowingly delivered incendiary mail. Senator B. L. Stovall introduced a bill “to prevent the circulation of abolition documents and incendiary teaching & preaching in the South” on January 5. The first section prohibited the printing and circulation of any document “likely to . . . produce discontent . . . amongst the slaves or free persons of color.” Section two provided that no postmaster “shall distribute or hand out knowingly from any post office,” publications likely to cause discontent among slaves or free blacks. The fifth section listed penalties for noncompliance: a fine of between \$100 to \$500 and imprisonment for one to five months for a first offense; five to ten years in the penitentiary for a second. Section three prohibited non-citizens of the state from using “language in talking exhorting or preaching”

⁶⁴ One year earlier, Perry recommended the measure in his opening message to the legislature.: *Florida House Journal*, 1858, 29-30.

⁶⁵ “Incendiary Publications—Special Message,” *Charleston Daily Courier*, December 21, 1859.

⁶⁶ Smith, *Slavery and Plantation Growth in Florida, 1821-1860*, 110.

which might induce unhappiness among slaves or free blacks.⁶⁷ Stovall's bill went to the Senate judiciary committee, which returned a negative report on January 9, arguing that existing law "fully meets the object of this bill."⁶⁸ The sections of the code cited in the report made illegal the publication or circulation of incendiary documents; they also prohibited persons from delivering incendiary speech in the presence of slaves or free blacks, and from holding incendiary discourse or correspondence with them. Those sections did not, however, include any provision requiring postmasters to intercept subversive mail.⁶⁹ In denying any need for additional legislation, the committee essentially rejected the section relating to postmasters. On January 10, the Senate concurred in the committee's report and defeated the bill.⁷⁰ Tennessee refused to punish its postmasters for performing the duties of their office.

Despite their zeal for interdicting the transmission of antislavery documents through the post office, southern states refused to countenance the opening of sealed mail. Even pugnacious South Carolina declined to contest federal strictures against opening sealed letters in a matter of public safety. In its fall 1859 presentment, the grand jury for Kershaw District asserted: "The practice of Slaves and free Negroes receiving '*Mail Matter*' without the contents being known, should not be allowed." The grand jurors issued a complaint that echoed across the South during the winter of 1859-60: "Facilities for the distribution of incendiary documents through the mails, protected as they are from all interference and examination by the General Government present a powerful medium for harm." Their presentment recommended a law prohibiting "delivery of any mail" to slaves or free blacks, "without such matter having been first read by the Post Master or a competent assistant," to detect any "mischievous or suspicious document."⁷¹ At the next session

⁶⁷ SB205, Senate Bills 1859-60, RG60: Legislative Materials, TSLA. The text of the bill can also be found in *Legislative Union and American 1859-60*, 343-344. Stovall, a Democrat, represented Henry, Weakley, and Obion counties.

⁶⁸ Report of Judiciary Committee in 33rd GA 1st session: "Reports," RG60: Legislative Materials, TSLA. The committee specifically cited "Article 7 Sections 2682, 2683, and 2684 of the Code."

⁶⁹ Meigs and Cooper, *The Code of Tennessee*, 517-518.

⁷⁰ *Tennessee Senate Journal, 1859-60*, 321; SB205, Senate Bills 1859-60, RG60: Legislative Materials, TSLA.

⁷¹ Presentment 1859-35 in S165010: Grand Jury Presentments, SCDAH.

of the legislature, the House sent the presentment to its Committee on Colored Population. On December 8, 1859, the committee reported it was “convinced of the importance of legislation to check the evil,” and submitted a bill to remedy the problem.⁷² The bill’s provisions, however, were different from those recommended by the grand jury. It would no longer “be lawful,” the bill declared, “for any . . . person in charge of any post office . . . to deliver to a slave free negro or person of color any mail matter.” Rather than force postmasters to open and inspect letters addressed to slaves and free blacks, an act certain to involve the state in a confrontation with the federal government, South Carolina would simply prohibit all deliveries to those persons. The bill did not garner much support in the House and seems not to have been taken up again after its first reading.⁷³ In October 1860, Postmaster General Holt reiterated his commitment to ensuring the sanctity of the mail. Responding to a North Carolina man who proposed some “surveillance upon the mails,” Holt wrote: “Existing laws, which it is my duty to execute, forbid under severe penalties the opening of any letter confided to this Department for transmission or delivery.”⁷⁴ While he allowed slave states to restrict the circulation of incendiary documents sent in the open, Holt would not permit them to violate sealed letters.

Looking ahead to the 1860 election, southern leaders warned that Republican control of the postal service would be an intolerable threat to slavery. In January 1860, Virginia governor John Letcher told the state legislature that a Republican victory could dissolve the Union. “The ‘irrepressible conflict’ doctrine,” he argued, was a “declaration of war against . . . slavery,” and the South should resist the election of any man who subscribed to it. Letcher contended: “The idea of permitting such a man to have control and direction of the Army and Navy . . . and the appointment of high judicial and executive officers, postmasters included, cannot be entertained

⁷² Report 1859-33 in S165005: Committee Reports, SCDAH.

⁷³ “A Bill To prevent the delivery of mail-matter to slaves and free persons of color,” S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDAH. Violators were to be “punished by fine and imprisonment at the discretion of the Court.”

⁷⁴ Postmaster General Holt to Robert T. Paine, October 22, 1860, in Volume 76, Mar. 18, 1859 to Mar. 6, 1861; Letters Sent, 1789-1952; Entry 2, Office of the Postmaster General; Records of the Post Office Department, Record Group 28; National Archives.

by the South.”⁷⁵ By mentioning the appointment of postmasters alongside control of the armed forces, Letcher underscored the vital importance of those officials. Without the cooperation of southern postmasters, the slave states would be unable to prevent the transmission of dissenting publications into their borders. In the Virginia House of Delegates, William B. Newton echoed Letcher’s concern, arguing that under a Republican president, “your postmasters are corrupted with the taint of abolition, and your mail bags converted into traveling magazines of incendiary publication.”⁷⁶ Postmasters appointed by a Republican president, these men believed, would be sure to deliver all of the mail, regardless of its incendiary contents. In December 1859, Horace Greeley, editor of the *New York Tribune*, suggested that Republican officials would do just that. The postmaster at Lynchburg, Virginia, R. H. Glass, informed Greeley that he would no longer deliver copies of the *Tribune* and requested that he stop mailing the paper. In response, Greeley wrote: “If the Federal Administration . . . sees fit to become the accomplice and patron of mail robbery, I suppose the outrage must be borne until more honest and less servile rulers can be put into Washington.”⁷⁷ The clear implication was that if a Republican were elected president, the federal government would no longer acquiesce in the South’s blockade of antislavery mail.

The disparate views held by the Republican party and proslavery southerners with regard to the transmission of antislavery documents in the mail were irreconcilable, like their conflicting interpretations of free speech. Republican leaders maintained that the delivery of the mail should be unrestricted, while proslavery ideologues asserted that public safety required some limits on the material sent into the South. An exchange in the United States Senate on January 26, 1860, showed the vast chasm between Republicans and proslavery leaders on this issue. Henry Wilson of Massachusetts delivered remarks in which he contended that southern laws restricting the mail

⁷⁵ “Message of Gov. Letcher, of Virginia,” *Nashville Union and American*, January 15, 1860.

⁷⁶ “Speech of Mr. Newton, of Hanover,” *Richmond Semi-Weekly Enquirer*, January 17, 1860.

⁷⁷ “Virginia and the Tribune,” *Augusta Daily Chronicle and Sentinel*, December 14, 1859.

were an act of aggression. Mississippi's Jefferson Davis, the future president of the Confederacy, indignantly turned the tables on Wilson, arguing:

The aggression is in the men of his own section seeking to send through the mail . . . incendiary matter to disturb the peace of their neighbors. There is the aggression; not on the part of those who limit the use of the mails, but those who would fill them with matter to disturb the peace and . . . domestic tranquillity of the other States.⁷⁸

The ability to prevent the delivery of antislavery publications through the mail was an integral part of the foundation on which slavery rested, and supporters of the institution were determined to preserve it. In 1860, proslavery leaders believed the persons filling the mail with incendiary documents were poised to take power. After Lincoln's victory, secessionists cited the postal service in arguing for disunion. At the Virginia State Convention, Benjamin F. Wysor introduced a secession ordinance which included a list of "facts" explaining why the state should take such action. Wysor claimed: "They have prostituted the mail service of the United States, designed to facilitate friendly, social and commercial correspondence, to the unholy purpose of distributing incendiary documents among our people."⁷⁹ For proslavery ideologues who insisted on keeping antislavery literature from slaves and white nonslaveholders, Republican control of the postal service simply could not be tolerated.

Peddlers and Hawkers

As the controversy over *The Impending Crisis* raged in the House of Representatives, southerners cast wary glances at peddlers roving across their region. These traveling salesmen hawked goods carried on their persons and displayed samples of items which could be ordered. They trafficked in many goods, including fabrics, patent medicines, furniture, and a variety of gewgaws. Peddlers also sold books and collected subscriptions to newspapers and periodicals. Unpopular everywhere, and practicing a vocation associated with laziness and dishonesty, they

⁷⁸ *Congressional Globe*, 36th Cong., 1st sess., 599.

⁷⁹ *Journal of the Acts and Proceedings of a General Convention of the State of Virginia*, 91-92, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*.

were criticized for selling inferior products and for taking business from local merchants. In the South, peddlers were thought of not only as a nuisance but as a mortal threat to society during periodic slave insurrection scares and moments of sectional tension. Residents worried that these itinerant strangers would tamper with slaves and instill disaffection among them. In the winter of 1859-60, as talk of Brown and Helper filled the air, southern concern about peddlers reached a crescendo. Citizens asked lawmakers to act, newspapers advised people to watch strangers, and vigilance groups formed to monitor suspicious persons. Several states considered laws intended to remove the threat posed by itinerant peddlers. These expressions of concern were not limited to peddlers' influence over slaves but extended to their ability to circulate antislavery documents among nonslaveholders. For slave owners concerned with maintaining their class hegemony, the dangerous items in the peddler's pack were antislavery publications. After the postal service, peddlers were deemed the most likely channel for transmitting abolitionist ideas into the South.

Southerners perennially complained about peddlers and demanded further restrictions on their activities. Economic grievances were prominent in these demands, as were accusations of low morals and hints of slave tampering. Ninety residents of Abbeville and Edgefield districts, in South Carolina, petitioned their legislature for relief from the itinerant salesmen. Peddlers, they argued, were not "identified with the . . . community," but were "floating members of society, who drain the country of its capital." In addition, they often transported "inflammatory materials calculated to incite . . . violence & atrocity." The petitioners were angry that the fee charged for a peddler's license "is not so grate as the tax a merchant pays," and asked lawmakers to raise it to a level which would "prohibit Hawkers & Peddlers from trading in the State."⁸⁰ Their focus on the competition posed to local merchants supports the claim of Timothy B. Spears, who argues that regulation of peddlers was largely intended to "protect rural economies."⁸¹ In 1859, the grand jury

⁸⁰ Petition ND-4486 in S16501 5: Petitions to the General Assembly, SCDAH.

⁸¹ Timothy B. Spears, *100 Years on the Road: The Traveling Salesman in American Culture* (New Haven: Yale University Press, 1995), 73.

for Greenville District, in South Carolina, submitted a cranky presentment detailing the annoying behavior of itinerant sellers. Peddlers claimed to work “for the sake of relieving an indigent father or mother,” but they were invariably “found to be lazy drunken vagabonds.” The grand jury charged peddlers with “haunting all our houses of ill fame in the country,” and selling “the worst kind of cotton linnen goods.” It also complained, almost as an afterthought, that peddlers were “often tampering with our black population.” The presentment called for “more stringent” regulation of peddlers or a prohibition of their activities.⁸²

Slavery raised peddlers, in the minds of many southerners, from nuisances and economic rivals to a more serious threat. The thought of strangers having unsupervised contact with slaves worried many to distraction. In 1856, Edmund Ruffin argued that the equal protection clause of the Constitution protected abolition emissaries in the South. “Any pretext of business,” he wrote, “is enough to . . . account for their presence; and there is no neighborhood in the Southern States into which Yankees have not penetrated, and could freely operate as abolition agents.” In his list of abolition agents in the South, Ruffin included “pedlars and sellers of Northern commodities and patent rights, [and] solicitors for subscriptions to Northern publications.” For a long period, he warned, “these agents had . . . unrestrained access to all our country habitations and slaves.” The way to eliminate the danger, Ruffin concluded, was to leave the Union. With that done, he argued, “these agents would be deprived of all their present free access to our slaves.”⁸³ Ruffin focused on peddlers’ ability to tamper with slaves, but southerners occasionally revealed their fear that peddlers would impart dangerous ideas to nonslaveholders. When John M. Barrett was arrested at Spartanburg, South Carolina in 1849 on charges of circulating incendiary documents, the local newspaper wrote: “To have infernal scamps prowling through our State . . . under the pretence of peddling trifling articles of Merchandise . . . is enough to try the patience . . . of any

⁸² Presentment 1859-32 in S165010: Grand Jury Presentments, SCDAH.

⁸³ [Edmund Ruffin], *Consequences of Abolition Agitation*, (N.p., n.d), 22, 24.

people.”⁸⁴ Barrett, an itinerant northerner, possessed copies of an antislavery pamphlet, entitled *An Address to Citizens of South Carolina*, directed at nonslaveholders in the state.⁸⁵ Proslavery men in the area understood the nature of the pamphlet’s argument, as the local newspaper wrote: “Barrett . . . thought proper to come here, with the wicked design of . . . setting one portion of our people against the other.”⁸⁶ A vigilance group formed in reaction to Barrett’s arrest said it would “prevent by all means in our power the spread of these abolition writings among our people.”⁸⁷ A similar desire to keep antislavery publications from white nonslaveholders fueled much of the animus against peddlers when *The Impending Crisis* became national news in 1859.

An 1857 incident at Cheraw, South Carolina, showed that even a trustworthy southern peddler might become a vehicle for the influx of antislavery thought. On March 10, the *Pee Dee Herald* warned readers of an “abolition fraud” being perpetrated in the area. A book, “bearing on its *outside*” an innocuous title, had been sold to a local man “by a book pedlar, who professed to be ignorant of its contents.” When he opened the book, the buyer found hagiographies of Henry Ward Beecher, Frederick Douglass, Harriet Beecher Stowe, and William Lloyd Garrison, among others. The *Herald* called the book “one of the most incendiary publications we have ever seen,” and worried that “this fraud is practiced to a considerable extent” upon unsuspecting persons. It wanted the peddler to receive a punishment which would “prevent a further offence by him” and “deter others for all time.” Slaves were executed for insurrection, the *Herald* said, and the state should “hang or burn the cowardly villains who incite them to it.” That suggestion ignored the fact that the peddler sold the book to a white citizen and had not given it to slaves.⁸⁸ In a second article, printed in the same issue, the *Herald* revealed that it worried about the book’s potential

⁸⁴ “J. M. Barrett again,” *Spartanburg Spartan*, July 26, 1849.

⁸⁵ Record Series L42157: Spartanburg District, Indictments. Spring Term 1851, Roll 17, “The State v. John M. Barrett,” SCDAH. The pamphlet, authored by “Brutus,” is the only publication included with the indictment. Brutus was a pseudonym used by William Henry Brisbane. For a discussion of the pamphlet see Sinha, *The Counterrevolution of Slavery*, 117.

⁸⁶ *Spartanburg Spartan*, August 30, 1849.

⁸⁷ “For the Spartan,” *Spartanburg Spartan*, September 13, 1849.

⁸⁸ “Abolition Fraud,” *Pee Dee Herald*, March 10, 1857. The title on the outside was *Lives of Eminent Ministers*; on the inside it was *Modern Agitators, or Pen Portraits of Living American Reformers*.

effect on white residents. Calling the book's misleading title the "most willful and outrageous falsehood ever known," it contended that the publisher hoped "Southern people may be tricked into the reading of such ravings as that of Fred Douglass."⁸⁹ The editor's confidence in slavery could not have been great if he feared the influence of inadvertent exposure to abolitionist ideas. One month after it tried to spark a frenzy about peddlers selling antislavery books, the *Herald* clarified the situation. The peddler who sold the book, it reported, "is a young man of good character . . . identified with our institutions," who had been "deceived by the title." As if to explain his pursuit of that vocation, it noted that the young man "is . . . in bad health." The blame in this case, the *Herald* concluded, "is very properly chargeable to the *publishers* of the book."⁹⁰ If the young man had made his careless mistake after *The Impending Crisis* gained notoriety, he might have found his health permanently at risk from the action of a local vigilant group.

Southern states generally required peddlers to obtain a license from each county in which they transacted business. The regulations were intended to provide tax revenues, protect resident merchants from unfair competition, and prevent peddlers from tampering with slaves or selling incendiary literature. Louisiana, for example, designated "persons who travel about the country with goods . . . for sale or barter" as peddlers, and required them to purchase a license. It had a progressive scale for license fees, based on the peddler's mode of travel. Peddlers were required to display their license on the demand of "any freeholder of this State."⁹¹ Mississippi had similar provisions, including a progressive fee scale and the requirement that peddlers show their license "to any freeholder." Peddlers in the state could not trade with slaves without a master's "express consent."⁹² The states of Alabama and Tennessee also had a progressive fee scale for licensing peddlers.⁹³ Virginia required them to purchase a license to transact business but varied the fee

⁸⁹ "Abolitionism—The Great Falsehood," *Pee Dee Herald*, March 10, 1857.

⁹⁰ "That Book," *Pee Dee Herald*, April 7, 1857.

⁹¹ Phillips, *The Revised Statutes of Louisiana*, 399.

⁹² *Mississippi Laws, 1850*, 64-65. In 1857 Mississippi democratized its license monitoring, allowing "any free white person" over the age of twenty-one to require a peddler to show his license.: *Revised Code of Mississippi*, 87-88.

⁹³ *The Code of Alabama*, 135; Meigs and Cooper, *The Code of Tennessee*, 173.

according to the type of goods sold.⁹⁴ South Carolina imposed particularly stringent requirements on peddlers in its limits. To obtain a license, an applicant must have resided in the district for ten years, and if male, be “qualified to vote for . . . the Legislature.” An applicant had to enter into recognizance with two sureties, on condition that he or she “shall be of good behavior, and not violate any of the laws of this State against trading with negroes, or against seditious publications and conduct, or against gaming.” Applicants who vaulted those hurdles paid a \$1,000 fee for a permanent license to peddle in their district.⁹⁵ Strict enforcement of the law would have prevented any non-residents from peddling merchandise in South Carolina.

The licensing fees and requirements imposed on peddlers by southern states impeded the circulation of antislavery publications in the region. Alabama and Tennessee, for example, did not require a license of peddlers selling items manufactured within their respective borders.⁹⁶ Those provisions subsidized home industry and favored publishers who could be trusted on the issue of slavery. Virginia established a marked distinction between resident and non-resident peddlers of printed materials. It charged an annual license fee of \$25 to residents, while sellers who had not lived in the state for at least two years had to pay \$200.⁹⁷ Outside peddlers, who might be more likely to sell antislavery literature, faced a competitive disadvantage in Virginia. Northern books were particularly impacted by state regulations, but the licensing of peddlers had a dampening effect on the sale of all publications. In 1859, Virginia resident Charles Campbell lamented the impact of the state’s licensing fees on the sale of books. He told Edmund Ruffin:

Virginia is a poor field for selling books, there being few booksellers, & . . . the county license-tax upon resident agents selling books, being prohibitory. There are in Virginia a great many people, who will seldom, if ever, buy a book, unless carried to their door by an itinerant agent. This license-tax would have pleased Sir Wm Berkeley, who prayed that God would keep us from learning & printing.⁹⁸

⁹⁴ *Virginia Acts, 1855-56*, 13-14.

⁹⁵ Petigru, *Portion of the Code of Statute Law of South Carolina*, 208-209.

⁹⁶ *The Code of Alabama*, 135; Meigs and Cooper, *The Code of Tennessee*, 173. Both states exempted peddlers selling “scientific or religious books,” which were presumably considered useful and deemed politically neutral.

⁹⁷ *Virginia Acts, 1855-56*, 13-14.

⁹⁸ Charles Campbell to Edmund Ruffin, June 17, 1859, Edmund Ruffin Papers, VHS. Campbell’s description of the \$25 fee charged residents as “prohibitory” suggests the effect of the \$200 fee on non-resident sellers of printed

Campbell was interested in distributing Ruffin's proslavery writings, but his complaint showed the difficulty faced by abolitionists hoping to circulate books in the South and the importance of peddlers as a means of transmission. The overwhelmingly rural character of the South meant that most residents depended on itinerant salesmen for any publication beyond a local newspaper. Laws that placed northern publications and peddlers at an economic disadvantage helped to establish a *de facto* censorship of antislavery literature directed at white citizens.

As the news of Harper's Ferry reverberated in the fall of 1859, southerners asked their legislatures to take action against peddlers. In Orangeburg, South Carolina, John Brown's raid transformed peddlers from an annoyance to a mortal threat. Before the raid, the district's grand jury declared: "We consider . . . the Northern book agents, and Northern and Foreign itinerant Pedlers as great nuisances and respectfully request that they be prohibited."⁹⁹ Shortly thereafter, the leading citizens of Orangeburg changed their view of peddlers. At a public meeting held on November 28, local residents considered asking the legislature for "additional laws . . . against abolition emissaries." They also formed a vigilance group to monitor "suspicious characters, such as book agents, pedlars, [and] drummers for Northern houses . . . now so frequently seen in our midst."¹⁰⁰ Residents of Maury County, Tennessee asked their representative to introduce a bill to "prevent *hawking & pedling*." They complained that peddlers were "trading and tampering with negroes."¹⁰¹ In the same state, thirty-seven persons from Obion County recommended "an act to prohibit all kind of pedling."¹⁰² Residents of two Virginia counties sought action against peddlers who tampered with slaves. Many itinerants, they complained, were the "emissaries of northern

materials. Sir William Berkeley was the royal governor of Virginia from 1642 to 1652 and again from 1660 to 1677. In 1671 he declared: "But I thank God, there are no free schools nor printing, and I hope we shall not have [them] these hundred years; for learning has brought disobedience, and heresy, and sects into the world, and libels against the best government. God keep us from both!": www.vahistorical.org/sva2002v1/virginians.htm.

⁹⁹ Presentment 1859-46 in S165010: Grand Jury Presentments, SCDAH. The grand jury also described "circus companies," and "negro stock cows hogs horses and dogs," as "great nuisances."

¹⁰⁰ *Orangeburg Southron* in *Edgefield Advertiser*, November 30, 1859.

¹⁰¹ "Memorial on the subject of strolling pedlars. 1859 Maury co," 33rd General Assembly, "House Resolutions," RG60: Legislative Materials, TSLA. The quotations are from a November 10, 1859 letter of R. E. Thompson to representative George Gantt, bundled with the memorial.

¹⁰² Petition "To prohibit pedling in Obion County," 33rd General Assembly, "House Resolutions," RG60: Legislative Materials, TSLA. The Committee on Ways and Means reported against this petition on February 13, 1860.

associations . . . laboring to destroy slavery.” These agents were “spread through Virginia,” in the guise of “solicitors for subscriptions to northern publications or . . . pedlars.” The petitions sent by these residents asked for strict enforcement of laws against “vagrancy unlicensed dealing with slaves and *peddling*.”¹⁰³ Residents of Lafayette County, Mississippi submitted two petitions in late 1859, asking the legislature to eliminate the threat posed by itinerant salesmen. The first asserted that peddlers of “linen table cloths & oil table covers,” plied their trade “as a pretence or a passport to get through our country.” The petitioners claimed that peddlers operated “to the detriments of every citizen” and asked for a change in the laws, “so that we can harness those fellows at once when they come in our midst & bring them to justice.”¹⁰⁴ Eighty residents signed a second petition, which repeated other criticisms of peddlers and charged them with improper contact with slaves. The petition attacked peddlers: “They are irresponsible—having no interest in any locality—[they] commit any fraud . . . or . . . tamper with, and corrupt the slave.” To solve the problem, the petitioners asked the legislature to repeal acts licensing peddlers and to impose penalties which would “exclude . . . that class of persons.”¹⁰⁵ Across the South, itinerant strangers hawking their wares provoked fear and anxiety among whites concerned about slave unrest.

Many southerners worried particularly about peddlers of printed materials, a focus which implied that they wanted to keep antislavery publications from nonslaveholders. Given the low rate of literacy among bondsmen, and the risk involved in handing documents to them, verbal dissemination would seem to be the best means of transmitting abolitionist ideas to slaves. Any peddler could impart such ideas through speech, without the damning evidence of antislavery literature on his person. Efforts to restrict the peddling of printed matter during the controversy over *The Impending Crisis* suggest a belief that the book must not reach nonslaveholders’ eyes.

¹⁰³ Petition of Citizens of Louisa County, December 21, 1859; Petition of Citizens of Louisa County, January 6, 1860; Petition of Citizens of Fauquier County, January 10, 1860. All in LP, LVA. The petitioners also complained about persons selling liquor to slaves.

¹⁰⁴ Petition of Citizens of Lafayette County, November 15, 1859, in RG47, Volume 25: “Bills, resolutions, and fragments of legislative papers, 1859,” MDAH.

¹⁰⁵ Memorial of Citizens of Lafayette County, December 14, 1859, in RG47, Volumes 352-354: “Miscellaneous undated papers of House: bills, resolutions, letters, etc., 1858-1864,” MDAH.

A petition submitted by Mississippi residents in 1860 devoted special attention to sellers of printed material and tried to codify slaveholders' control of public discourse. Signed by three men claiming to represent "the citizens [of] Enterprise," it complained that "travelling agents of various kinds from abroad" promoted insubordination among slaves. The petition recommended that "all travelling agents especially agents or proprietors of Books, papers or periodicals," be required to obtain a license to do business outside their home county. The petitioners called for exempting "agents for enterprises . . . in this State" from licensing, showing both their desire to promote home industry and their confidence that material printed in the state would not contain proscribed ideas about slavery. Most significant was the petition's suggested plan for licensing peddlers, which privileged slaveholders' interests. It originally specified that applicants for a license be recommended by at least ten county residents, "five of whom must be the owners of five or more negro slaves each." Those words were subsequently crossed out and replaced with "a majority of whom shall be slave-holders."¹⁰⁶ The petition's recommendation, if enacted by the legislature, would have granted slave owners substantial control over the sale of printed materials in the state. Any literate white freeholder could surely recognize an incendiary publication and forbid its sale, but the petitioners wanted slave owners to exercise decisive influence. Mississippi slaveholders would have decided what nonslaveholders could read and prevented the entry of ideas that might erode their hegemony.

During the winter of 1859-60, newspapers across the South warned their readers to be on guard against unknown persons, especially peddlers. The *Charlotte Democrat* asked: "Does it not behoove every southern community to closely watch every stranger . . . especially those who are *peddling, lecturing, or begging?*" It wanted not only to maintain order among slaves but to prevent any discussion of antislavery beliefs. "Whenever a person is caught tampering with negroes or expressing incendiary sentiments," it advised, "give him about 39 lashes . . . and let

¹⁰⁶ Petition of Citizens of Enterprise, 1860, in RG47, Volume 30: "Petitions to the Legislature of 1860; portions of journals and rough notes of Senate, February, 1860," MDAH.

him travel northward.”¹⁰⁷ The *Carolina Spartan* warned its readers that “abolition emissaries are abroad over the South,” and recommended that citizens organize groups to “keep an eye upon all persons of doubtful sentiments, and especially upon strangers.” Its caution was prompted, the *Spartan* said, by Harper’s Ferry and “the constant mention” in other newspapers, “of suspicious invalids, pedlars, book-canvassers, &c.”¹⁰⁸ The *Keowee Courier* favored close scrutiny of book peddlers, explaining that “their object is to fleece the people and instil a spirit of insubordination and insurrection into the slaves.” It also criticized peddlers for imposing antislavery books upon white residents, arguing that the “American Encyclopedia,” which had recently been sold in the area, contained material “at war with our institutions.”¹⁰⁹ A letter to the *Sumter Watchman* defined peddlers selling *The Impending Crisis* in the South as dishonest criminals. Jocularly deflecting an expected question as to his whereabouts, the writer declared: “If I was . . . a pedlar, trying to sell Helper’s book in Sumter District, I would by no means gainsay your right to ask questions; but, as an *honest man*, engaged on a lawful errand, I don’t know that it is any of your business.”¹¹⁰ The writer did not specify a peddler selling the book to slaves; for him, and many other southerners, transmitting a copy of *The Impending Crisis* to anyone, white or black, was a criminal act.

Southerners quickly formed vigilance groups to guard against the purported infiltration of abolitionists and to enforce the censorship of antislavery opinion. “Vigilance,” a correspondent of the *Charleston Mercury*, argued that “the interest and quiet” of local communities justified the creation of these groups. He did not mention slave tampering, complaining only that proscribed sentiments were being expressed. “We are surrounded,” he wrote, “by a number of persons, who, under the peaceful garb of tradesmen, pedlars, speculators, itinerants generally, entertain and express a moral antipathy for the South and her institutions.”¹¹¹ At times, these groups inflicted

¹⁰⁷ *Charlotte Democrat* in “Scraps & Facts,” *Yorkville Enquirer*, November 24, 1859.

¹⁰⁸ “Abolition Emissaries,” *Spartanburg Carolina Spartan*, November 24, 1859.

¹⁰⁹ “Book and Other Pedlars,” *Keowee Courier*, December 24, 1859.

¹¹⁰ “Correspondence of the Sumter Watchman,” *Sumter Watchman*, February 7, 1860.

¹¹¹ *Charleston Mercury*, December 16, 1859.

the most severe retribution on transgressors who fell into their custody. A peddler apprehended with copies of *The Impending Crisis* in Buchanan, Texas met a grisly death at the hands of angry local residents during the summer of 1860. The *New York Tribune* printed a letter detailing the frontier justice meted out to this peddler. It related that “a young white man . . . supposed to be a Yankee, who had a load of books, consisting in part of Bibles, standard religious works, and a good supply of Helper’s *Impending Crisis*,” was seized by locals. The unfortunate man was then “stripped, furnished with a suit of tar and feathers, tied to a tree over his own wagon, which was filled with faggots and tar, and him and his stock of incendiary literature burned at the stake.”¹¹² This horrific incident demonstrated the extremities to which the publicity accorded Helper’s book drove some southerners.

In North Carolina, state officials warned officers of the law and residents to be wary of suspicious itinerants. On December 6, 1859, Governor John W. Ellis and the Council of State passed resolutions dealing with the sectional crisis. The seventh declared that “under the cover and disguise of pursuing peaceful occupations,” northern agents were “secretly instilling their insurrectionary passions into the minds of our slaves.” Northern strangers visiting the state as “venders of merchandize, or solicitors for the sale of the same, lecturers, tract and book agents,” it ordered, must be “subjected to the strictest scrutiny” by law enforcement officers.¹¹³ Superior Court judge Romulus M. Saunders warned a grand jury in Wilson County of the need to prevent the circulation of incendiary documents. Saunders told jurors that he was “induced to call your attention to the subject” by the publicity surrounding *The Impending Crisis*. While he incorrectly claimed Helper sought to raise a slave insurrection, Judge Saunders also declared that the book “appeals to the non-slaveholders.” In their presentment, grand jury members displayed concern that itinerants would impart antislavery beliefs to white citizens. They cautioned: “Travelling emissaries, disguised under various avocations, are among our people, endeavoring to instill the

¹¹² “Helper’s *Impending Crisis*,” *The Southerner*, July 14, 1860, clipping in Thomas Sparrow Papers, SHC.

¹¹³ “The Council of State,” *Raleigh Weekly Standard*, December 14, 1859.

poison of sedition into our community.” In this case, the word “sedition” demonstrated the grand jurors’ belief that peddlers were distributing Helper’s book to provoke slaves to insurrection and to encourage nonslaveholders to commit treason. That conclusion is apparent in their summary of *The Impending Crisis*: “This vile work has for its object the excitement of insurrection. It advocates the confiscation of property, and it counsels a class of ourselves to commit the high crime of treason to North-Carolina, by uniting in this conspiracy.”¹¹⁴ The grand jury wanted to keep Helper’s class-based indictment of slavery from reaching white nonslaveholding citizens. Peddlers threatened not only to spark unrest among slaves but to instill class awareness among the nonslaveholding majority. By describing Helper’s call for political action by nonslaveholders as an appeal to treason, grand jurors showed the extent of slave owners’ hegemony, deeming the interests of the master class to be synonymous with those of the state.

During the Speaker fight in the House, A. B. Burdick, publisher of *The Impending Crisis*, fueled southerners’ concern about peddlers selling the book in their region. An advertisement in two consecutive issues of *Harper’s Weekly* trumpeted the book as “the work that is creating so much excitement in Congress.” It also declared: “Active Agents wanted to sell these Works the country through.”¹¹⁵ At a time when slave state congressmen were lambasting the book, Burdick openly declared an intention to sell it directly to southern whites. *Harper’s* enjoyed a substantial circulation in the South, ensuring that people there would see the notice. In addition, several newspapers in the South drew attention to the journal’s printing of the advertisement. A letter to the *Greensboro Times* called the attention of *Harper’s* readers to “a flourishing advertisement contained therein of Helper’s infamous book.”¹¹⁶ The *Fernandina East Floridian* reported that “among the advertisements” carried in recent issues of *Harper’s* “is one recommending Helper’s tissue of lies.” Newspapers in North and South Carolina, and possibly elsewhere, reprinted the

¹¹⁴ “Charge of Judge Saunders to the Grand Jury of Wilson County,” *Raleigh Weekly Standard*, December 21, 1859.

¹¹⁵ *Harper’s Weekly*, December 31, 1859, 843; *Harper’s Weekly*, January 7, 1860, 14.

¹¹⁶ “Times’ Correspondence,” *Greensboro Times*, January 14, 1860.

Floridian's warning.¹¹⁷ Days after it had reprinted the report, the *Charleston Courier* called on other newspapers to brand *Harper's* for helping "to disseminate the sentiments and doctrines of such miscreants as Helper."¹¹⁸ Southerners' belief that peddlers would attempt to circulate *The Impending Crisis* in their region was, in part, a response to Burdick's prominent solicitation for agents to sell the book anywhere in the country.

In South Carolina, lawmakers discussed at least four bills before passing a law to regulate the licensing of peddlers. The act made it illegal for any "itinerant salesman, travelling agent or other person," lacking a permanent place of business in the state, to sell goods without a license. Applicants for a license had to describe their business and the "nature of the merchandise" to be sold, and obtain "a recommendation from two citizens of the State." Licensed peddlers were required to "make a true return" to the tax collector, pay their taxes promptly, and, most important, conform to "the Laws and regulations . . . made for the government of slaves and free persons of color." This law enlisted all white residents in its enforcement by providing that, when an informant gave information leading to a conviction, he or she "shall be entitled to half the amount which may be received."¹¹⁹ Upon passage of this law, at least three newspapers in the state printed its full text, indicating that editors viewed it as an important measure.¹²⁰ A second bill, dropped in favor of the foregoing, would have required all persons traveling through the state and selling goods, or taking orders for them, to obtain a license.¹²¹ South Carolina lawmakers were determined to stop unlicensed peddling, in order to prevent slave tampering and the circulation of antislavery publications in the state.

¹¹⁷ "Harper's Weekly," *Fernandina East Floridian* in *Greensboro Times*, January 28, 1860; *Charleston Daily Courier*, January 21, 1860.

¹¹⁸ *Charleston Daily Courier*, January 25, 1860.

¹¹⁹ "A Bill To require and regulate the granting of licenses to itinerant salesmen and travelling agents," S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDH. Violators would be fined up to \$2,000, so an informant could earn a large sum.

¹²⁰ *Greenville Southern Enterprise*, January 5, 1860; *Spartanburg Carolina Spartan*, January 19, 1860; *Keowee Courier*, January 21, 1860.

¹²¹ "A Bill To alter and amend the Law in relation to Hawkers and Pedlars," S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDH; Report 1859-327 in S165005: Committee Reports, SCDH. Violators would have been fined up to \$1,000 and imprisoned for up to one year.

The other two peddlers' bills considered by the South Carolina legislature at that session showed lawmakers' particular concern with sellers of printed material. Representative John Screven submitted a bill forbidding unlicensed persons from selling goods "from house to house, or in any public place road or highway." Although it included "any goods wares or merchandize" in its provisions, the bill specifically mentioned "spirituous liquors or tobacco," and "books maps or charts." In addition, the bill prohibited unlicensed peddlers from soliciting "subscriptions or orders" for printed materials. It received a favorable committee report, but was apparently superseded by the aforementioned law regulating the licensing of peddlers.¹²² On December 8, 1859, Greenville representative William H. Campbell introduced a measure designed to prevent circulation of *The Impending Crisis*. Days earlier, a vigilance committee in Greenville had arrested a man named Harold Willis for distributing Helper's book; Campbell almost certainly submitted his bill in response.¹²³ The first section of the bill would have codified the manner of Willis's apprehension by authorizing magistrates who learned that someone might possess incendiary literature to search that person and "any house or place where there is reason to believe such suspected books . . . are concealed." In the second section, Campbell focused on licensing peddlers of printed materials in order to prevent the transmission of antislavery ideas. Section two provided:

All itinerant . . . agents for the sale of goods wares and merchandize, including agents for the sale of books, maps, patents, plants, and trees and also . . . newspapers, magazines reviews and other periodicals not having a permanent residence in this State and whose business does not lie in this State shall apply . . . for license.

The only requirement for obtaining a license was that the applicant give bond in the amount of \$500 to \$10,000, conditioned on observing "the Laws . . . against circulating papers calculated to disturb the peace and security of this State and against counselling hiring or aiding slaves and free

¹²² "A Bill To amend the Law in relation to Hawkers and Pedlars," S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDH; Report 1859-328 in S165005: Committee Reports, SCDH.

¹²³ See Chapter Six for an account of the Willis case.

negroes to rebellion.”¹²⁴ Campbell, representing a district in which Helper’s book had been circulated among white men, crafted his bill to prevent further distribution of *The Impending Crisis*. A Greenville newspaper applauded his action, printing the text of the bill and expressing hope that the measure “will pass.”¹²⁵ The legislature did not enact Campbell’s bill, but it passed one law making the licensing of peddlers more rigorous and a second that protected against incendiary publications and speech.¹²⁶

Among the other slave states that considered additional regulations on peddlers during the winter of 1859-60 were Mississippi, Tennessee, and Virginia. In February 1860, Mississippi passed “An Act to more effectually prevent hawking and peddling by non-residents.” This law deputized all white adults by allowing “any free white person, over . . . 21,” to apply to a justice of the peace for a warrant to arrest an unlicensed nonresident peddler. Violators were fined \$100, required to pay \$25 to the informant, and imprisoned for one to six months.¹²⁷ Tennessee debated, but did not pass, a bill “to prohibit peddlers from vending foreign goods in this State.”¹²⁸ Virginia retained its provisions, discussed earlier, imposing a \$25 license fee on resident book agents and one of \$200 on agents who had not resided there for two years.¹²⁹ It also amended and renewed its license regulations, exempting those peddlers selling, or obtaining subscriptions to, “newspapers, books, pamphlets or other periodicals printed and published in this state.”¹³⁰ Those statutes left northern publications at a competitive disadvantage in Virginia, restricting the dissemination of antislavery ideas among nonslaveholding whites.

¹²⁴ “A Bill To provide more effectually for the protection of the people of this State from the agents and emissaries of abolitionists and to impose certain restrictions on auctioneers, peddlars and agents,” S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDH.

¹²⁵ “Col. Campbell,” *Greenville Southern Enterprise*, December 15, 1859.

¹²⁶ “A Bill To require and regulate the granting of licenses to itinerant salesmen and travelling agents,” S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDH; *South Carolina Acts, 1859*, 768-769.

¹²⁷ *Laws of the State of Mississippi, Passed at a Regular Session of the Mississippi Legislature, Held in the City of Jackson, November, 1859* (E. Barksdale, 1860), 381-382; *Revised Code of Mississippi*, 87-88.

¹²⁸ *Tennessee House Journal, 1859-60*, 809.

¹²⁹ *Virginia Acts, 1859-60*, 57, 64.

¹³⁰ *Virginia Acts, 1859-60*, 38, 41.

Alabama lawmakers revealed their desire to keep antislavery publications from white citizens by passing a law that altered the state's licensing requirements only for "itinerant book and periodical agents." While a peddler of any product could verbally impart abolitionist ideas to slaves, the legislature focused solely on sellers of printed material. The act did not refer to *The Impending Crisis*, but it was introduced in January 1860, at the height of the controversy over Helper's book. Its provisions demonstrate the erosion of civil liberties resulting from slave owners' insistence on maintaining their control of public discourse. The law stated:

It shall not be lawful for any agent, partner or owner of any publishing house, book concern, or newspaper, or any author or any agent of any author, to sell or to obtain any subscription to any book, periodical, map, engraving, or newspaper, in any county in this State, without first obtaining a license.

Peddlers wishing to sell or solicit subscriptions for printed matter were required to get a license from the probate judge of each county in which they hoped to do business. An applicant needed to present the judge with "the recommendation of six freeholders or householders of said county, stating . . . that he is . . . a proper person to be licensed." Moreover, before issuing a license, the judge had to be satisfied "that the work proposed to be sold, or to which subscribers are proposed to be obtained, is not dangerous or insurrectionary in its character." Free white citizens were precluded from buying, or subscribing to, any publication that did not conform to proslavery ideology. The exemptions granted by the legislature ensured that Alabama residents would face a surfeit of literature that championed the peculiar institution. First, the law exempted "sellers of religious books," accredited by any body or denomination with "a regular organization in this State." That meant that agents of *southern* branches of denominations like the Methodists or the Baptists, which had split from their northern counterparts because of slavery, could proffer their proslavery Bibles without a license. The second exemption was that no "author, editor, publisher or bookseller permanently located in any slave-holding State," nor their agents, needed a license to sell their wares. That concession was predicated on the assumption that any printed material published in a slave state would be free from any taint of abolitionism. The bill passed with little

difficulty, receiving a favorable report from the Senate's judiciary committee, which returned it without amendment.¹³¹ Combined with surveillance of the mail, this restriction upon sellers of printed materials imposed an intellectual blockade, insulating white Alabamans from antislavery ideas. When Alabama seceded one year later, it did so, in large part, to maintain that blockade.

The consideration of laws to impose restrictions on itinerant sellers of printed material in the South provoked consternation among publishers and book agents. Even southerners printing and selling publications beyond reproach on the issue of slavery were perplexed. In March 1860, Pritchard, Abbott & Loomis, a Georgia publisher, inquired whether its agents would be allowed to solicit orders in Virginia for a forthcoming book. The work in question was *Cotton is King*, a collection of proslavery writings by authors like Albert T. Bledsoe, James H. Hammond, and Thornton Stringfellow. In what might have been a form letter sent to other states, the publisher wrote to Virginia's comptroller general, asking "if there is any law of your State preventing our selling it by means of *travelling agents*." The publisher was concerned, for it intended to sell the book "*exclusively* by subscription."¹³² Upon being informed of pending legislation that threatened its plans for Virginia, the publisher wrote to Governor John Letcher. Citing the bill "before the Legislature prohibiting the sale of books by means of travelling agents," the publisher asked if the bill could "be modified" to allow it to solicit orders for *Cotton is King* in Virginia.¹³³ In the end, the legislature did not pass the bill and the publisher needed no special dispensation from the governor. Nevertheless, the fact that the publisher had any concern about soliciting orders in Virginia demonstrates the extent to which *The Impending Crisis* made all books suspect. Within months, *Cotton is King* won the support of newspapers in South Carolina, which encouraged their

¹³¹ *Alabama Acts, 1859-60*, 8; "An Act to impose a tax upon itinerant Book and Periodical agents, and to increase the tax on peddling in the State of Alabama," 1859-1860 Session, "Secretary of State, Administrative, Bills and Resolutions," ADAH. Successful applicants paid a fee of \$100 for each county in which they were licensed.

¹³² Pritchard, Abbott & Co. to Comptroller General of Virginia, March 23, 1860, Letcher Executive Papers, LVA. The publisher sent with this letter a prospectus of the book, which included the recommendations of eight U.S. senators, including Jefferson Davis and both of Virginia's senators.

¹³³ Pritchard, Abbott & Loomis to Governor Letcher, March 30, 1860, Letcher Executive Papers, LVA. The publisher transmitted four pieces describing *Cotton is King* with this letter.

readers to order the book from the publisher's local agent.¹³⁴ Moreover, the book has withstood the test of time, being recognized by scholars as an exemplar of the proslavery argument.¹³⁵ The effort to prevent circulation of Helper's book nearly kept *Cotton is King* from reaching Virginia readers.

The enactment of Alabama's law requiring itinerant booksellers to be licensed prompted a Georgia peddler to write to Governor Andrew B. Moore. On February 28, 1860, William Simmons wrote Moore, explaining that he was "appointed Book Agent" to travel through several Alabama counties and solicit orders for a Georgia publisher. Describing himself as "a minister of the Gospel and a master mason & a poor man 61 years old," he inquired "whether it will be a violation of Alabama *Law*—to travel and get subscriptions and deliver books." Simmons knew the reasons underlying the legal restrictions being imposed on itinerant booksellers in the South. He enclosed "a copy of the conditions of each work" that he planned to sell, and assured Moore that the books were "purely *Southern*." To prove the inoffensive character of his publications, Simmons noted that Georgia had been "canvass'd & no objections has been raised against these popular books." Moreover, he wrote, "our newspapers are eulogiseing these works."¹³⁶ In fact, the Alabama law did not threaten Simmons's livelihood, for it exempted agents of "any . . . publisher or bookseller permanently located in any slave-holding State" from the license requirement.¹³⁷ His letter, however, provides further evidence of the uncertainty among men in the book trade caused by the prevalent discussion of restrictive measures.

¹³⁴ "A Valuable Book," *Camden Journal*, September 18, 1860; "Cotton is King and the Pro-Slavery Argument," *Lancaster Ledger*, October 10, 1860.

¹³⁵ John McCardell, for example, writes: "*Cotton is King* . . . contained virtually all of the proslavery arguments. . . . All of the important writers and positions were either present or represented . . . the tome in more ways than one became the last word on the subject." John McCardell, *The Idea of A Southern Nation* (New York: W. W. Norton, 1979), 90.

¹³⁶ William Simmons to Governor Moore, February 28, 1860, in Alabama Governor, Andrew Barry Moore, 1857-1861 Administrative Files, ADAH. The enclosures describing the books are not with the letter.

¹³⁷ *Alabama Acts, 1859-60*, 8.

The example of W. H. Chesnutt, a traveling Alabama bookseller, demonstrates that state legislators were more concerned with the publications being sold than with the purveyors. Under the 1860 law, a nonresident like William Simmons could sell printed materials without a license, as long as they were from a slave state publisher. A resident of the state, however, with a good reputation among his neighbors, needed a license to sell publications from the North. In January 1861, Chesnutt petitioned the legislature, asking permission to sell and take orders for northern printed materials without a license. That vocation provided most of his income, for he was “poor and afflicted and not able to do hard work.” Chesnutt’s decision to sell northern publications was not a matter of taste, but a rational economic choice. He explained: “The reason I want to sell Northern publications is that I can get them cheaper than Southern publications as such I can make a better profit on them.”¹³⁸ Chesnutt supported his request with documents approximating the statutory requirements for a license, excepting payment of the \$100 annual fee.¹³⁹ He sent a petition signed by thirteen residents of Tuscaloosa County, which gave the requisite assurances. The petitioners stated that “we have been acquainted with the said Chesnutt for several years,” they asserted his “true Southern sentiments,” and expressed confidence that “he will not offer any publication for sale of an immoral, or incendiary tendency.” Speaking on his own behalf, Chesnutt assured legislators that all of his sympathies were with the South. He explained that he had lived in Alabama “about 14 years,” coming there from North Carolina. “I have been reared and lived in Southern States all my days,” he emphasized. To underscore his loyalty to southern institutions, Chesnutt specified: “I am as much opposed to Abolitionists as any person . . . and should I meet with one, it is a duty I owe to myself, my family and my country to have him taken up and punished.” Most important, he promised not to sell any publications which criticized slavery. “I never carried nor never expect to carry,” he wrote, “any but good books such as I

¹³⁸ Petition of J. H. Chesnutt to the Legislature, 1861 First Called Session, “Secretary of State, Administrative, Bills and Resolutions,” ADAH.

¹³⁹ The 1860 act required an applicant to be recommended by six freeholders or householders from the county in which he sought to transact business, and it charged judges with ensuring that the publications to be sold were not “dangerous or insurrectionary.”: *Alabama Acts, 1859-60*, 8.

would be ashamed to offer to no person under the shining sun.” Chesnutt concluded on a note that betrayed his misunderstanding of the law: “The last act . . . against book sellers and agents, if it was intended only to keep out foreigners it was a good thing but there ought to have been some specification in the law in regard to our own citizens.” In truth, the statute was meant to prohibit foreign *publications*, not foreign *agents*. The legislature was not worried about the danger from peddlers so much as the threat from the printed matter they sold. Despite his assurances and the testimony of his neighbors, Chesnutt was not allowed to sell northern publications without a license. In the legislature, his petition went to the Committee on Ways and Means, which reported that “it would be inexpedient to grant the prayer.”¹⁴⁰ Legislators intended the exorbitant \$100 fee to be prohibitive, eliminating the profit to be made from selling northern printed materials and precluding their circulation in Alabama.

In South Carolina, the aforementioned law regulating the licensing of itinerant salesmen provoked confusion and controversy. Many persons in the state and in North Carolina interpreted the act more stringently than the legislature intended, applying the license requirement to sellers of provisions and tobacco coming in from adjacent states. This rigorous construction of the law interrupted a vital and longstanding traffic in essential goods and threatened to spark class and intrastate sectional conflict. Less than two months after its passage in December 1859, criticism of the law emerged in the upcountry. A Spartanburg newspaper complained that it operated “in a way not intended, and certainly detrimental to our interest,” as “traders from Virginia, North Carolina, and Georgia” were impeded, “much to the disturbance of time-honored relations.”¹⁴¹ The problem, it argued, was that the law was misconstrued, for it “was not designed to affect citizens of slaveholding states” who entered the state to sell provisions.¹⁴² Another newspaper, the *Lancaster Ledger*, was less generous in assessing the legislature’s treatment of the upcountry.

¹⁴⁰ Petition of J. H. Chesnutt to the Legislature, 1861 First Called Session, “Secretary of State, Administrative, Bills and Resolutions,” ADAH.

¹⁴¹ “Itinerant Salesmen,” *Spartanburg Carolina Spartan*, February 16, 1860.

¹⁴² “Itinerant Salesmen, &c,” *Spartanburg Carolina Spartan*, March 1, 1860.

“If, as seems to be the case, flour, bacon, tobacco, grain, &c., are among the prohibited articles,” the *Ledger* declared, “it will operate with peculiar hardships upon the Districts bordering upon North Carolina.” It showed anger at the disparity in internal improvements between sections of the state, noting that “the lower and middle districts of the State, or indeed wherever there is a railroad,” would not be harmed economically by the law. The *Ledger* concluded with a harsh indictment of state lawmakers: “Our Legislature was guilty of a gross oversight and a palpable injustice to some portions of the State, in making the law apply indiscriminately to all non-resident venders of products raised or manufactured in other States.”¹⁴³ For the *Ledger*, the act fit into a narrative of the upcountry being overlooked and perhaps even discriminated against by an aristocratic legislature. Others tried to defuse the situation by assuming that the good intentions of the legislature had been misunderstood. The *Camden Journal* conceded that the law “may be susceptible of the construction placed upon it,” but asserted that “it never was intended that our friends bringing produce to market . . . should be taxed as pedlars.” It explained that “the hurry and confusion of a session” rendered perfect legislation impossible and invited persons “better acquainted with the new law than we are to explain it.”¹⁴⁴ In March, the grand jury for Union District reported that although legislators were claiming the act had been misconstrued, “it has evidently done mischief and broken up a traffic profitable to both parties.” To ease the problem, it requested a “public expression of opinion from higher quarters,” to explain how the law should be interpreted.¹⁴⁵

Lawyers, lawmakers, and various state officials contributed articles in the press to dispel the public’s confusion and anger. They expressed a consensus of opinion that northern peddlers were the target of the act, because of the threat they posed to slavery. John Earle Bomar, the intendant at Spartanburg courthouse, said the law was “intended to guard . . . against abolition

¹⁴³ “Itinerant Salesmen,” *Lancaster Ledger*, February 29, 1860.

¹⁴⁴ “A Misapprehension,” *Camden Weekly Journal*, March 6, 1860.

¹⁴⁵ Presentment 1860-3 in S165010: Grand Jury Presentments, SCDAH.

emissaries, who in the character of *petty chapmen, itinerant salesmen, traveling agents, &c.*, have been disseminating their incendiary doctrines and documents.”¹⁴⁶ The Spartanburg Bar declared: “The intention . . . was to put a check on the horde of transient persons from Northern cities, who prowled throughout the country under pretexts of business.”¹⁴⁷ Senator R. G. McCaw of York District claimed it was directed at persons who sold goods “without paying any tax” and who tried to “excite the slaves to . . . insurrection, by means of incendiary pamphlets.” In a revealing comment, Christopher G. Memminger stated the essential reason for licensing northern peddlers: “Before these itinerants are permitted to have free access to our people, some of our citizens must answer for them.”¹⁴⁸ That was the crux of the matter, that slave owners who dominated the state wanted to prevent outsiders from transmitting antislavery ideas and publications to white citizens and slaves alike. Northerners wishing to sell goods in South Carolina could not do so without someone vouching for their fidelity to slavery. Lawmakers’ opinions mollified those who were disposed to view the imbroglio as a simple misunderstanding. The *Camden Journal* applauded the attention “being directed to the practical evil workings” of the act by merchants, politicians, and lawyers, noting the unanimity on the issue.¹⁴⁹

The voluminous statements explaining the proper construction of the act did not entirely resolve the difficulty. Lawmakers complicated things by demonstrating a marked reluctance to admit that their handiwork could be liable to conflicting interpretations. Senator R. G. McCaw for example, referred to the “supposed ambiguity” of the law, and then spoke of “the ambiguity in the act, if any exist.”¹⁵⁰ A letter printed in the *Lancaster Ledger* demonstrated the anger that arose among some residents as a result of the controversy. The author, “Liberty,” wrote that, despite “the various opinions and expert ideas presented by several Honorables,” there were still “divided

¹⁴⁶ *Spartanburg Carolina Spartan*, March 22, 1860.

¹⁴⁷ “*Opinion of the Spartanburg Bar as to the proper construction of the Act relative to itinerant salesmen*,” *Spartanburg Carolina Spartan*, March 22, 1860.

¹⁴⁸ “To the Public,” *Yorkville Enquirer*, March 22, 1860.

¹⁴⁹ “Itinerant Salesmen,” *Camden Weekly Journal*, March 27, 1860. For other opinions, see “Scraps & Facts,” *Charleston Courier* in *Yorkville Enquirer*, March 22, 1860; *Lancaster Ledger*, April 11 and May 16, 1860.

¹⁵⁰ “To the Public,” *Yorkville Enquirer*, March 22, 1860.

opinions” as to the construction of the act. Whatever the legislature intended, he said, the act “has operated to the prejudice of all those who have to purchase their own breadstuffs.” For the North Carolina traders from whom people bought food, he wrote, “it is a settled question . . . that the Act means just what it says.” In his letter, Liberty criticized the way in which lawmakers expressed their views, saying “the *intelligents* tell us *ignorants* that we cannot see into the meaning of the Act.” He concluded by suggesting that lawmakers be defeated at the next election:

It is intimated, that the people are to blame for misconstruing the provisions of the Act. If this be the case, we trust our next Legislature will be composed of common folks, and when they commit an error, which we are all liable to, to frankly acknowledge it and not blame the “dear people” who have no voice in enacting and making the laws.¹⁵¹

In this instance, the legislature’s careless attempt to prohibit the incursion of northern peddlers into the state interfered with a vital trade in essential foodstuffs, sparking public unrest.

At its next session, in November 1860, the legislature considered ways to eliminate the confusion.¹⁵² Representative John Williams offered a bill, the preamble to which declared that “some disputes and doubts have arisen in the interpretation” of the 1859 act, leading to “a serious inconvenience and injury to the people of the border Districts.” The bill specified that produce sellers “from any of the Slaveholding States,” did not have to obtain a license. “The true . . . intent of said Act,” it stated, was to tax “a certain class of Northern Dealers denominated petty chapmen, itinerant salesmen, and travelling agents.”¹⁵³ The legislature also considered two other bills to explain the 1859 law.¹⁵⁴ Similar confusion surrounded Alabama’s 1860 law “to impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling.” In addition to

¹⁵¹ “The Itinerant Tax Act,” *Lancaster Ledger*, April 4, 1860.

¹⁵² At the beginning of the session, the legislature faced the presentment from Union District, asking for a clarification of the law, and at least three petitions from persons asking to be refunded fees paid for unnecessary licenses.: Presentment 1860-3 in S165010: Grand Jury Presentments, SCDAH; Petitions 1860-31, ND-4489, and ND-4490 in S165015: Petitions to the General Assembly, SCDAH.

¹⁵³ “A Bill Explanatory of an Act entitled ‘An Act to require and regulate the granting of licenses to Itinerant Salesmen and Travelling Agents,’” in S165001: Acts, Bills, and Joint Resolutions, 1860 Session, SCDAH. Williams represented Lancaster District.

¹⁵⁴ “A Bill To alter and amend an Act entitled, ‘An Act to require and regulate the granting of licenses to itinerant salesmen and travelling agents,’” and “A Bill To explain an Act, entitled ‘An Act to require and regulate the granting of licenses to Itinerant Salesmen and Travelling Agents’ ratified on the 22nd day of December AD 1859,” S165001: Acts, Bills, and Joint Resolutions, 1860 Session, SCDAH.

its provisions on licensing book agents, the law increased fees for peddling any “goods, wares or merchandise . . . for which a license is now required.”¹⁵⁵ At their next session, Alabama lawmakers passed an act explaining that the 1860 law “shall not be so construed as to apply to wagons laden with bacon or other provisions.”¹⁵⁶ In both states, the mania for protecting slavery by interdicting peddlers disrupted the quotidian sale of produce.

For many southerners, the proximate events of Harper’s Ferry and the controversy over *The Impending Crisis* elevated peddlers from the level of nuisance to that of a mortal threat. They feared that abolition emissaries, in the guise of itinerant salesmen, were tampering with slaves and imparting dangerous ideas. Concern over peddlers’ activities extended beyond their purported influence on slaves, however, embracing their ability to transmit antislavery literature to southern whites. At a time when Hinton Helper’s appeal to southern nonslaveholders was discussed across the region and understood for what it was, proslavery voices demonstrated marked apprehension about itinerant sellers of printed materials. Their solicitude on that point implies that champions of slavery wished to keep antislavery literature from nonslaveholders because they feared that members of the class might be persuaded to oppose the institution. As Charles Campbell’s letter to Edmund Ruffin demonstrated, itinerant sellers were one of the most important channels for circulating printed material to the mostly rural southern population. By closing off that avenue and imposing surveillance of the mail, proslavery southerners tried to establish an intellectual blockade of counterhegemonic ideas.

Vigilance Committees

In the winter of 1859-60, vigilance committees appeared in towns and cities across the South, as they had during previous crises. Usually created at public meetings, these groups were

¹⁵⁵ *Alabama Acts, 1859-60*, 8.

¹⁵⁶ *Acts of the Called Session of the General Assembly of Alabama, Held in the City of Montgomery, Commencing on the Second Monday in January, 1861* (Montgomery: Shorter & Reid, 1861), 38.

ostensibly meant to defend the community by preventing the transmission of incendiary speech and documents to slaves. In practice, however, they enforced a conformity of proslavery opinion by also taking action against persons who only criticized the institution among whites. A meeting in Savannah, for example, appointed a committee to detect and remove "such persons as may be suspected of entertaining or uttering sentiments hostile to slavery."¹⁵⁷ The main activities of these groups consisted of monitoring the activities of suspicious persons and, when deemed necessary, holding ad hoc inquiries and meting out punishment to offenders. A South Carolina newspaper described these actions and encouraged their imitation:

Vigilant committees have been formed throughout this and the Southern States for the purpose of preserving order and ferreting out and punishing such characters as may offend. . . . Where there are no organizations and committees, we would recommend to the citizens aggrieved to act promptly themselves.¹⁵⁸

Newspapers extended support by providing extensive coverage of the actions taken by vigilance groups. The *Yorkville Enquirer* printed the notice of a local committee, reporting its expulsion from the state of a North Carolina man who "confessed himself an abolitionist . . . and refused to deny that he had tampered with slaves."¹⁵⁹ Elsewhere in South Carolina, the *Sumter Watchman* printed the resolutions of citizens who met to appoint a vigilance group for their neighborhood.¹⁶⁰ Similar reports filled the columns of newspapers throughout the slave states, and the *Keowee Courier* declared: "Almost every paper we take up gives an account of some suspicious or guilty character having been arrested and dealt with as the circumstances of the case required."¹⁶¹ These accounts encouraged other communities to form their own groups and furthered the development of a siege mentality.

Vigilance committees devoted particular attention to northerners traveling in the South, believing that they might be involved in subversive activities. In Virginia, a group of citizens

¹⁵⁷ *Augusta Daily Chronicle and Sentinel*, January 4, 1860.

¹⁵⁸ "Leave to Travel," *Keowee Courier* in *Charleston Daily Courier*, December 30, 1859.

¹⁵⁹ "The Vigilant Committee," *Yorkville Enquirer*, December 15, 1859.

¹⁶⁰ *Sumter Watchman*, December 24, 1859.

¹⁶¹ "Leave to Travel," *Keowee Courier* in *Charleston Daily Courier*, December 30, 1859.

asked their legislature to empower such organizations to arrest, punish, and expel any suspicious travelers in the state.¹⁶² Northerners who fell under suspicion were sometimes treated roughly by vigilant groups. James J. Gregg, son of South Carolina industrialist William Gregg, chortled: “It is very amusing to hear with what dispatch the Vigilant Committees are whipping the Yankees from Charleston & other southern cities.”¹⁶³ Others, like Virginia Opposition leader John Minor Botts, were not amused by the harsh treatment accorded to harmless northerners. Botts objected to the fact that “orderly, peaceable citizens” were accosted simply because “they were from the North.” He asserted every citizen’s unfettered right to travel to any state, “provided he behaves himself.” Botts did, however, approve of the surveillance of outsiders, declaring that a person’s “right of citizenship” was not incompatible with “a proper and rigid exercise of vigilance being kept upon persons of doubtful or suspicious character.”¹⁶⁴ Northerners themselves keenly resented the harassment of some of their fellows in the slave states. Illinois congressman Owen Lovejoy tried to introduce a resolution appointing a “Committee of Inquiry” into the expulsion of persons by the slave states.¹⁶⁵ A group of Indiana residents seized Virginian Thomas Black in December 1859, “as a hostage to secure the good behavior of Virginians toward citizens from the North.” In a letter to Governor John Letcher, Black delivered his captors’ threat: “For the first innocent, unoffending citizen of the Free States who is murdered in Virginia for his opinion’s sake, ‘my life shall pay the forfeit.’”¹⁶⁶ The language used by Black’s captors suggests that they were angry about the treatment of northerners who had only expressed antislavery sentiments in the South, and not tampered with slaves. While southerners continued to attack Republican endorsement of *The Impending Crisis* though the 1860 elections, northerners remained angry over the curtailment of civil liberties in the slave states. In November 1860, “North,” writing from

¹⁶² “Southern Rights Association of Virginia,” *DeBow’s Review* 28 (February 1860): 181.

¹⁶³ James J. Gregg to Edward Tatnall, December 28, 1859 (p. 389), Letter Book: January 26, 1859–December 31, 1859, Graniteville Manufacturing Company, SCL.

¹⁶⁴ *Interesting and Important Correspondence Between Opposition Members of the Legislature of Virginia and Hon. John Minor Botts, January 17, 1860*, 14.

¹⁶⁵ “Congressional Items,” *Lancaster Ledger*, February 29, 1860.

¹⁶⁶ Thomas Black to John Letcher, January 3, 1860, Letcher Executive Papers, LVA.

Boston, chided Governor Letcher for the South's behavior. "You have killed tortured and banished our citizens at will," he complained, asking, "suppose we had treated your citizens as you have treated ours."¹⁶⁷ The Republican party's commitment to protecting free expression in the slave states found a receptive audience among men like North and the Indiana residents who captured Thomas Black. Northerners who were unmoved by the plight of slaves quickly became angry when their fellow-citizens were denied basic civil liberties.

Vigilance committees sometimes acted against known local persons whose poverty or indolence made them undesirable. In December 1859, the *Keowee Courier* listed reasons for arrest which were much less serious than tampering with slaves: "A man who cannot give a proper account of himself, and is found lurking about with no visible means of support, is apt to undergo a very strict examination." The *Courier* believed such action would be salutary, even if no abolition emissaries were detected. It said: "This, at least, may rid us of many vagabonds, too lazy to work, and depraved enough to do mischief."¹⁶⁸ David Gavin of South Carolina believed "Lynch law" was inefficacious, but he concurred in the need to crack down on poor whites. He called for "stringent laws about the free negroes, persons of colour and all white persons who have not a visible means of an honest living."¹⁶⁹ While they disagreed on means, Gavin and the *Courier* agreed that the removal of poor whites would be a happy development. Under the guise of protecting the South, they hoped to eliminate those interstitial whites who perennially annoyed slave owners. An article printed in the *Farmer and Planter* sheds light on slaveholders' wishes. Lamenting the loss of the "steady, working portion" of the rural population, it declared: "We are rapidly drifting to the condition, when the only poor folks we will have amongst us will be those we can't run off or buy out—who expect to live by traffic with our slaves.—This is the most dangerous element in our society."¹⁷⁰ Masters worried about the danger posed by their poor white

¹⁶⁷ "North" to John Letcher, November 22, 1860, Letcher Executive Papers, LVA.

¹⁶⁸ "Pennings and Clippings," *Keowee Courier*, December 3, 1859.

¹⁶⁹ December 17, 1859, David Gavin Diary, SHC, mfm at SCL.

¹⁷⁰ "Country vs. City," *Farmer and Planter* 9 (December 1859): 371.

neighbors used the hysteria over John Brown and *The Impending Crisis* to justify a sort of class cleansing that would remove the threat.

In addition to monitoring northerners and harassing local poor whites, vigilance groups often acted against persons who uttered antislavery sentiments well out of the hearing of slaves. These actions exceeded the requirements of public safety and were a means of forcibly imposing a conformity of proslavery opinion among southern whites. The *Charleston Courier* advised the formation of a committee to call upon all men and learn their sentiments on slavery. It said: "The times demand that all men South should be above suspicion."¹⁷¹ Residents of Sumter District appointed a committee to "examine all suspicious persons" coming into the area. If any proved to be spreading "sentiments detrimental to the peace and security of our domestic institution," the committee would deal with them in a "summary manner."¹⁷² In Bamberg, South Carolina, "an abolitionist" was tarred and feathered and then forced to leave town, "for being too free in the expression of his opinions."¹⁷³ A vigilance group in Lowrys ville, South Carolina forced two men to leave the state on the basis of sentiments expressed to other white men. One witness testified that "he heard John and Andrew Hailey declare themselves Abolitionists," while a second "heard the old man Hailey declare himself an abolitionist."¹⁷⁴ John Tomlin was "slicked" by a group in Anderson, South Carolina, "for the use of seditious language, and perhaps other offenses against the community."¹⁷⁵ In an incident that attracted national attention and revealed slave owners' fear of restive white laborers, a man named Powers, working on the new statehouse in Columbia, was punished by a vigilance committee. Powers was seized, given twenty-nine lashes and "a coat of tar and feathers," and expelled for "uttering seditious sentiments . . . without concealment." His opinions were expressed only to whites, as the *Charleston Mercury* reported: "The proof of his incendiary language and feelings was abundant and conclusive, although not of any attempt to

¹⁷¹ "Citizens of Charleston!" *Charleston Daily Courier*, December 6, 1859.

¹⁷² *Sumter Watchman*, December 24, 1859.

¹⁷³ "Served Him Right," *Keowee Courier*, December 3, 1859.

¹⁷⁴ "Citizen's Meeting," *Chester Standard* in *Yorkville Enquirer*, December 22, 1859.

¹⁷⁵ "Judge Lynch," *Anderson Gazette*, February 28, 1860.

tamper with slaves.”¹⁷⁶ Despite that vital distinction, the only criticism of Powers’s treatment, in South Carolina, came from persons who objected to its extralegal nature. A group of Charleston citizens, for example, protested against “such modes of punishment for offences which are amply covered by our statutes.”¹⁷⁷ They agreed that Powers had acted illegally, but they preferred to see him punished under the law. Powers had expressed himself in grumblings to his fellow laborers, a group whose loyalty to slavery was in question.¹⁷⁸ The *Sumter Watchman* removed all nuance in its account, describing Powers only as “a dangerous intruder.”¹⁷⁹ Vigilance committees’ use of violence and intimidation to silence the expression of antislavery beliefs among white citizens complemented the legal machinery that prosecuted those who spoke or circulated such ideas.

One southern man with antislavery beliefs defended his right to free speech and defied those who tried to silence him. In Bristol, Tennessee, an elderly Virginian named James Johnson attracted attention by being “rather unreserved in the expression of anti-slavery sentiments.” One listener decided “a stop should be put to the further dissemination of such heretical doctrine,” and a committee warned Johnson to leave town. He refused, and asked an opportunity to explain himself in public, which the committee granted. Bristol’s mayor, who was not a member of the committee, opened the public meeting by avowing “his determination to uphold law and order.” As it turned out, Johnson explained himself in a way that defused the situation and negated the mayor’s concerns. He reminded the audience that he had lived among them for more than a year and quietly pursued his business. On the central issue, Johnson declared:

I have never made any concealment of my sentiments upon the subject of slavery. I am opposed to it. I consider it wrong in the abstract, and think the South would be better off without it. These sentiments I believe I have a right as a free citizen to entertain, and, on proper occasions, to express. . . . believing them to be right, and their dissemination

¹⁷⁶ *Charleston Mercury*, December 19, 1859.

¹⁷⁷ *Charleston Daily Courier*, December 19, 1859.

¹⁷⁸ Powers may have had the sympathy of his fellow-workers. The *Mercury* reported that “threats of rescue had been by made by other stone masons,” but not acted upon.: *Charleston Mercury*, December 19, 1859.

¹⁷⁹ “More Tar and Feathers,” *Sumter Watchman*, December 20, 1859. A correspondent of the *Watchman*, in the North, reported that Republican editors used the incident to sway Irish workers. He wrote: “The case of one Jas. Powers, an Irishman . . . tarred and feathered at Columbia, S.C., is just now making a great stir. . . . Appeals are made and particularly to the Irish to band against the slave power, which, it is alleged is shrouding their liberties of speech and persons with a worse than Austrian despotism.”: *Sumter Watchman*, January 17, 1860.

calculated to benefit my country, I further believe it to be my duty, as a good citizen, to express them on all occasions. I have never uttered them to, or in the presence of, slaves.

Hinton Helper might well have told a southern audience the same thing, if he could have found one willing to listen to him. Johnson's vigorous defense of a white citizen's right to express an opinion on slavery to his peers echoed the stance taken by Helper's supporters. To prove his southern credentials, Johnson said he did not "favor abolitionism," nor did he support "the fanatical practices of northern abolitionists." He disclaimed any sympathy for John Brown and promised to fight with the South if the North interfered "with our constitutional rights." So long as slavery "exists by the law of the land," Johnson said, he would defend it. His explanation led the meeting to "acquit" Johnson of the charges against him. Bristol's mayor claimed the action had settled "the question as to whether freedom of opinion and speech would be tolerated in this community on this subject." In truth, the case of James Johnson, rather than affirming freedom of speech in Tennessee, was an exception which proved the rule of intolerance to any expression of antislavery beliefs. The *Nashville Patriot's* account of the event shows that Bristol's mayor was too optimistic. "We regret," the *Patriot* declared, "that there should be any difference of opinion in our midst as to the abstract right or expediency of this institution."¹⁸⁰ That desire for monolithic support of slavery trumped the right to free expression which was so boldly asserted by James Johnson. One dissenting opinion on slavery, although safely expressed with many qualifiers, was too much for the institution's defenders in the late antebellum period.

Many southerners objected to the activities of vigilance committees because they wanted offenders to be arrested and punished under the law. In a society marked by vast disparities of wealth, disorder threatened the small number of whites at the top. Members of the lower classes hunting for abolitionists might slip the traces and cause serious unrest. In North Carolina, the *Carolina Watchman* condemned the "lawless act" of a group that tarred and feathered, then

¹⁸⁰ "Excitement in Bristol—An Anti-slavery Man in the Hands of a 'Committee'," *Nashville Patriot*, December 6, 1859.

ordered to leave town, a man who had publicly criticized slavery. It maintained that such outbreaks were “destructive of the moral power of the community” and tended to “defeat their object.” It asked readers to “preserve the majesty of the law,” warning: “There is beauty and power in *order*; but confusion, weakness and wrongs wait on turbulence.”¹⁸¹ In Charleston, residents wrote to Mayor Charles Macbeth, objecting to the fact that “a portion of citizens . . . have virtually assumed the reins of government of this city,” by declaring themselves a Committee of Safety. They complained that the committee, acting without “authority,” had invited “the mischievous to furnish them food for action.” These residents believed the law was “equal to all emergencies” and implored the mayor to “interpose your authority, and save the good name of our city.”¹⁸² The *Charleston Mercury* was unwilling to dispense with the extralegal option of vigilance groups, claiming “there is unquestionable cause” for their activities. Noting the irregular actions against suspected abolitionists across the South, however, it conceded that innocent persons could be accosted by “irresponsible and disorganized bodies.” To guard against that possibility, the *Mercury* wanted vigilance groups to be directed by the same class of men who controlled the formal legal system. It advised that committees of safety, “composed of the older and more discreet men, be formed in every District, County or Parish in the South.” This recommendation was a euphemism for wealthy and powerful men whose interests were tied to slavery. Such leaders would ensure that the excitement of lower-class whites would be properly channeled so as to complement the legal machinery of the state. By creating such groups, the *Mercury* contended, southerners would protect themselves and “ensure a due administration of justice.” Moreover, it claimed: “Union and harmony will be secured amongst ourselves.”¹⁸³ The belief that vigilance committees tended to produce disorder led some to condemn them entirely;

¹⁸¹ “An Outbreak,” *Salisbury Carolina Watchman*, November 29, 1859.

¹⁸² “To the Honorable Charles Macbeth, Mayor of the City of Charleston,” *Charleston Courier*, December 14, 1859.

¹⁸³ “The Safety of the South,” *Charleston Mercury*, December 5, 1859.

while others, who believed their existence could be useful, wanted the upper class to direct their extralegal repression of antislavery sentiments.

While the *Charleston Mercury* employed coded language, others in the state explicitly called for slaveholders' control of vigilance groups. In January 1860, the *Camden Journal* wrote that its opposition to vigilance committees had "subsided," as their proliferation had given "more ample facility to judge of their operations." The *Journal* claimed that the danger from "Northern fanaticism" and "spies within our lines," required such organizations. "It is absolutely essential," it contended, "that we institute an argus-eyed sentry, whose loyalty is guarantied by the cohesive power of direct interest, and whose active vision will discover every element of disaffection in our ranks." By using the phrase "direct interest," the *Journal* echoed the central theme of slave exemption proponents, who believed that nonslaveholders' loyalties were inherently uncertain. It posited that only slaveholders could be relied upon to vigilantly watch for disaffection among southern whites. For the *Journal*, ideas were the greatest threat to the perpetuation of "the central institution of the South." It warned that the South faced more danger from "map-peddlers, book agents, and Northern drummers generally, than from any other source." The *Journal* favored "the most rigid police surveillance" throughout the South, a task requiring the participation of vigilance committees. It concluded with a call for slaveholders' control of vigilance groups: "We would . . . in all cases, have them officered and controlled by men whose judgment has been fully developed, and whose *direct* interest in the institution makes them the most fit guardians of its operation."¹⁸⁴ In short, slaveholders would decide what speech or behavior would be allowed, and they would direct nonslaveholders in enforcing a conformity of proslavery opinion. Such groups would have worked hand in glove with laws, crafted by slaveholding legislators, that criminalized antislavery speech and publications.

¹⁸⁴ "Vigilant Societies," *Camden Journal*, January 17, 1860.

In Virginia, a vigilance group was forced to deny that its members doubted the loyalty of local nonslaveholders. The *Richmond Enquirer* printed a notice “To the People of Fluvanna,” in which the county’s vigilance committee explained that it was not targeting nonslaveholders. The committee expressed regret that the resolution creating it led to dissatisfaction “among the non-slaveholding classes,” who thought it “contained . . . the offensive design of questioning their fidelity to the institution of slavery.” In fact, the notice explained, the person who introduced the resolution was himself a nonslaveholder. Moreover, instead of “suspecting the non-slaveholding classes of any dissatisfaction,” the committee believed that “at the call of the South, none would be . . . more ready . . . to shed their blood in defence of her cherished institutions.” The purpose of the resolution, the committee declared, was to shift to slaveholders the burden of patrol duties, which had previously fallen largely upon the county’s nonslaveholders.¹⁸⁵ Despite such claims, nonslaveholders were a particular focus of vigilance groups across the South, because many of slavery’s defenders thought they were untrustworthy and feared their exposure to antislavery ideas like those contained in *The Impending Crisis*. The twin duties of vigilance groups involved keeping abolitionist thought away from slaves and from white citizens who owned no bondsmen.

Southern Newspapers Warn Against Dangerous Publications

In reaction to the controversy over Helper’s book, southern newspapers stepped up their practice of warning their readers against certain books and publications. The resounding success of *The Impending Crisis*, fueled by the Speaker fight, led southerners to expect more antislavery works. A correspondent of the *Charleston Mercury* said the book was selling “like hot cakes” in the North and predicted that “you may expect to hear of a dozen others of the same kind.”¹⁸⁶ The *Richmond Dispatch* angrily noted the profusion of antislavery works: “Every flippant rhetorician, canting fanatic, and gossiping old woman, is forced upon the attention of the whole country by

¹⁸⁵ *Richmond Semi-Weekly Enquirer*, February 7, 1860.

¹⁸⁶ *Charleston Mercury*, December 14, 1859.

the wide-spread publication of their disgusting abolition nonsense.”¹⁸⁷ Many editors warned that books with innocuous titles contained subversive ideas and should be avoided by southerners. Significantly, editors seem to have been motivated by a fear that surreptitious propaganda could infect the minds of southern whites and turn them against slavery. When they issued warnings, newspapers rarely, if ever, mentioned the danger of slaves reading the material, but focused on the threat to white unanimity. As they advised readers to avoid some books, editors also appealed to booksellers not to carry such literature. In doing so, editors tried to become the arbiters of what constituted acceptable reading material. Their efforts show the degree to which slaveholders and their agents sought to inhibit critical discussion of slavery among white citizens.

Newspaper warnings against dissenting literature ranged from declarative statements to detailed expositions of the work in question. In January 1860, for example, the *Carolina Spartan* simply noted: “Southern book-sellers and readers are cautioned against a book bearing the title ‘Wild Sports of the West.’”¹⁸⁸ In contrast, a writer to the *Yorkville Enquirer* included a substantial review of the book *Western Border Life*, which was being sold through a catalogue “circulating at the South.” He thought the book’s interesting but misleading title would lead southerners to purchase it. “People are liable to be deceived,” he worried, “and when it is too late, to find that instead of a book giving real information, a work of fiction in which the seeds of abolitionism are skillfully sown, is imposed upon them.” The writer complained that the book, which related the experiences of a Connecticut woman boarding with a slaveholding family in Missouri, used the “cruelties” of the family to “excite the indignation of the unguarded reader,” and gain sympathy “for the oppressed slave.” He claimed the author wrote the book for a purpose: “After preparing the mind of the reader, she openly denounces slavery, and in elaborate arguments, endeavors to show the evil resulting from the institution.” The writer warned that “this *false* book . . . hopes to find its way to many a fireside at the South,” and advised his neighbors to “shun this designing

¹⁸⁷ *Richmond Dispatch*, January 2, 1860.

¹⁸⁸ “News Scraps,” *Spartanburg Carolina Spartan*, January 4, 1860.

production.”¹⁸⁹ His warnings suggest that the writer believed antislavery thought to be so enticing and persuasive as to ensnare southern readers who were caught unawares.

In March 1860, the *Camden Journal* cautioned its readers to avoid an objectionable book and encouraged them to destroy copies of antislavery sermons which were being circulated in the area. A letter to the *Journal* warned against a book titled “Parton’s Life of Jackson,” noting that it “may be sought after by the Old Hero’s admirers.” The writer quoted a passage from the book which stated that the white race “has been most powerfully influenced by the servile one.” That claim, the writer argued, made it “A Book to Guard Against.”¹⁹⁰ Days later, the *Journal* attacked C. H. Spurgeon, an English preacher who criticized slavery in his sermons. It described him as a “notorious ranter on the institution of slavery” but worried his criticisms might take hold. The *Journal* advised its readers:

To counteract any of the effects which might accrue from the circulation of his printed sermons at the South, we would recommend the same treatment as adopted recently in Montgomery, Ala.,—a voluntary surrender of all copies, on the part of those who have purchased, for a public bonfire.

Although it asked people to voluntarily give up the sermons, the *Journal* applied pressure, saying it did not understand how any southerner could encourage “such abominable sentiments.” To show readers how dangerous Spurgeon’s ideas were, the *Journal* compared them to those of the apotheosis of infamy: “They are as bad if not worse in effect than the doctrines and principles of the villainous HELPER.” It concluded by stating that it would have no sympathy for southerners who, after being warned, continued to “feed the flame which is ultimately to consume them, if not extinguished.”¹⁹¹ That was a typical example of the assertion that by reading or discussing antislavery ideas among themselves, southern whites increased the possibility of a slave revolt.

Southern newspapers used the controversy over *The Impending Crisis* to increase their criticism of northern periodicals. The *Sumter Watchman* claimed that the publications of Frank

¹⁸⁹ “A Snake in the Grass,” *Yorkville Enquirer*, March 1, 1860.

¹⁹⁰ “A Book to Guard Against,” *Camden Journal* in *Spartanburg Carolina Spartan*, March 8, 1860.

¹⁹¹ “Spurgeon on Slavery,” *Camden Journal*, March 13, 1860.

Leslie, “so extensively supported at the South,” sympathized “with the vilest abolitionists.” It arrogated to itself and “every Southern press,” the duty of keeping “the people advised in regard to the position and policy of all Northern prints which have any circulation in their midst.” To support its claim, the *Watchman* cited reports that Leslie’s periodical defended Helper against personal attacks and that it supported Sherman for Speaker.¹⁹² Days later, the *Carolina Watchman* repeated these charges, writing that “Frank Leslie’s paper” attempted to vindicate Helper and thus added “another proof of its unworthiness of southern patronage.”¹⁹³ The *Waynesboro News* called *Harper’s Weekly* “an Abolition concern,” claiming that one editor was an abolitionist and that one of the Harpers assisted fugitive slaves in Canada. To complete this indictment, it added: “As a further inducement we may simply mention, it endorses and eulogizes ‘Helper’s book.’”¹⁹⁴ The notoriety attached to Helper and his book rendered further explanation unnecessary.

Echoing a refrain which became increasingly frequent during the 1850s, the *Greensboro Times* called on southerners to drop their support of northern publications. It complained: “The family reading, religious books, magazines, newspapers, all emanate from Northern pens and Northern presses.” By rejecting northern literature, the *Times* said, southerners would protect their region. “Our representatives in Congress may fight to the bitter death against Northern aggression,” it wrote, “but it will avail nothing so long as the people fail to . . . act with them.” The *Times* concluded that “self-protection” required intellectual independence, suggesting that printed matter aimed at white southerners could be a potent weapon against slavery.¹⁹⁵ Concerns about southern reading material endured long after the Speakership crisis ended. In September 1860, the *Edgefield Advertiser* wrote: “Our good, trustful and unsuspecting people should be occasionally cautioned to . . . watch closely the character of the publications they purchase for their own and their children’s reading.” This warning was prompted by a volume from a series

¹⁹² “‘Frank Leslie’ Abolition,” *Sumter Watchman*, January 31, 1860.

¹⁹³ “Hinton R. Helper—*alias* Helfer,” *Salisbury Carolina Watchman*, February 6, 1860.

¹⁹⁴ *Waynesboro News* in *Edgefield Advertiser*, February 22, 1860. See also “Harper’s Weekly,” *Fernandina East Floridian* in *Greensboro Times*, January 28, 1860.

¹⁹⁵ “Unstained Literature for the South,” *Greensboro Times*, February 11, 1860.

entitled *Chamber's Miscellany*, purchased from a bookstore in Georgia, and “probably . . . for sale in most of the respectable book-stores South.” It contained a purported slave autobiography, which described torture, injustice, and cruelty as endemic to slavery. The *Advertiser* claimed that the book’s villainy justified its “exclusion . . . from Southern circulation,” and warned the public and bookstores to avoid it. Moreover, as the book’s antislavery message was not immediately apparent, the *Advertiser* fretted, it might “create wrong notions and unwarranted prejudices.”¹⁹⁶ The newspaper, like much of the press in the slave states, lacked confidence in southern whites’ ability to resist any criticism of slavery.

In conjunction with its warnings against publications that contained dissenting views of slavery, the southern press recommended literature that would instill support for the institution. *Cotton is King*, the collection of essays by proslavery thinkers, enjoyed indulgent treatment from South Carolina papers in 1860. The *Camden Journal* said it contained “the ablest essays on slavery yet produced,” and lauded “the array of distinguished names” who contributed to it. That combination, the *Journal* gushed, “assures of us of its character and value as a standard text book for all Southerners.” It said the book was praised by “our ablest and most reliable State papers,” and told readers an agent selling the book was currently taking orders in the area. The *Journal* asserted that South Carolina’s “oldest and most prominent citizens,” were giving it “a warm and liberal support.” It concluded: “Every reading man at the South ought to have it in his house.”¹⁹⁷ Weeks later, the *Lancaster Ledger* joined in praising the book and soliciting orders for its agent. The *Ledger* called the book “a Southern work,” and echoed the *Journal* in saying it “should be in the hands of every reading man in the South.”¹⁹⁸ By attempting to place proslavery works in every house and bar antislavery ideas from any house, editors contributed to making the South a vast echo chamber where the proslavery symphony would encounter no discordant note.

¹⁹⁶ “Look to your Books!!” *Edgefield Advertiser*, September 26, 1860.

¹⁹⁷ “A Valuable Book,” *Camden Journal*, September 18, 1860.

¹⁹⁸ “Cotton is King, and the Pro-Slavery Argument,” *Lancaster Ledger*, October 10, 1860.

All Class-Consciousness Synonymous With Helper

Elite southerners often portrayed *The Impending Crisis* as a book meant to raise a slave revolt, but as the congressional debates showed, many of them understood the real import of Helper's appeal to nonslaveholders. In private correspondence, they noted the book's threat to slaveholders' hegemony and imputed a class-based strategy to the Republican party. When the gist of the book's argument gained notoriety in 1859, proslavery southerners repeatedly asserted a connection between *The Impending Crisis* and any native, class-oriented movement deemed a threat to slave owners. Helper was mentioned in reference to efforts to restrict the use of slave labor in mechanical trades and in relation to attempts to impose ad valorem taxation on slave property. By claiming such initiatives were inspired by Helper, proslavery ideologues tried to discredit and delegitimize any movement that would impinge on slaveholders' sway over their society. The reputed connection was used to intimidate nonslaveholders into submerging their class interests, much as the term *communist* has been wielded against organized labor in the United States. These repeated and consistent assertions revealed slave owners' fear of class conflict in their society and demonstrate that *The Impending Crisis* made Helper the exemplar of class-based opposition to slavery.

Before *The Impending Crisis* gained national attention in December 1859, William H. Harrison upbraided his friend Edmund Ruffin for supporting a publication which, he claimed, could have the same effect as Helper's book.¹⁹⁹ Harrison objected to Ruffin's association with the *Southern Citizen*, a newspaper dedicated to reopening the slave trade. John Mitchel, the editor of the *Citizen*, was expelled from his native Ireland in 1848 and came to the United States, where, Ruffin wrote, he became a "pro-slavery advocate."²⁰⁰ When Ruffin met Mitchel in January 1859, the men became friends, and articles written by Ruffin began appearing in the *Citizen*. Hoping to

¹⁹⁹ Harrison was principal of Amelia Academy in Virginia and had been friends with Ruffin for about twenty years in 1859.: Scarborough, ed., *The Diary of Edmund Ruffin*, 1:341. Harrison also was active in the Democratic party, and was one of Prince George County's delegates to the 1860 state convention.: February 9, 1860, Richard Eppes Diary Aug. 12, 1859-July 1, 1862, VHS.

²⁰⁰ Scarborough, ed., *The Diary of Edmund Ruffin*, 1:187 n. 36, 1:263.

garner support for the newspaper, Ruffin sent copies to friends, prompting Harrison's critique.²⁰¹ Harrison objected to the *Southern Citizen* because of the manner in which it argued for reopening the slave trade. For years, Mitchel consistently asserted that slaveholders opposed the measure to preserve their monopoly of slave labor. South Carolina lawmaker James J. Pettigrew alluded to this claim in his 1857 report against reopening: "It is said that this measure is for the advantage of the poor non-slave holder, and hinted that the opposition to it springs from a determination on the part of slaveholders to . . . maintain a species of slave aristocracy."²⁰² Upon the publication of that report, Mitchel referred to it as "an excuse for trying to keep the privilege which the present laws secure to a few wealthy planters."²⁰³ In 1859, Mitchel expressed his views in a letter to Ruffin: "If Virginia planters will persist in objecting to a renewal of the Slave-trade because it w[oul]d lower the values of their slave-stock . . . they need not be surprized if the question take the form of *poor* against *rich*."²⁰⁴ Mitchel's class-oriented arguments, although marshaled in an effort to expand the institution of slavery, threatened to provoke discontent in nonslaveholders.

The varying criticisms of Mitchel's approach, stated first by Pettigrew in 1857 and then by Harrison in 1859, show that *The Impending Crisis* made Helper the avatar of the belief that nonslaveholders' interests were different from those of slave owners. In 1857, Pettigrew wrote that denunciations like those from Mitchel would "place the non-slaveholders in opposition to the slaveholders," and said they repeated "the most offensive slander of the abolition press."²⁰⁵ In 1859, William H. Harrison referred specifically to Hinton Helper, rather than to the amorphous abolition press mentioned by Pettigrew. After reading a copy of the *Southern Citizen*, Harrison told Ruffin he could not support the newspaper because of Mitchel's efforts "to excite a violent animosity in the poorer class against the richer!" He warned Ruffin: "It is the identical sentiment

²⁰¹ Scarborough, ed., *The Diary of Edmund Ruffin*, 1:263-266.

²⁰² *Report of the Minority of the Special Committee of Seven*, 20.

²⁰³ *Southern Citizen* in *Carolina Times*, December 22, 1857, clipping in Pettigrew Papers, Scrapbook, NCDAH.

²⁰⁴ John Mitchel to Edmund Ruffin, June 12, 1859, Edmund Ruffin Papers, VHS.

²⁰⁵ *Report of the Minority of the Special Committee of Seven*, 20.

of Helper the very effort which he & his Abolition coadjutors are now so busily making.” While Mitchel’s motives were “very different” from Helper’s, Harrison asserted, “the effect [is] the same.” At Ruffin’s next visit, he promised, “I will show you a copy of Helper & you will see that on this animosity of classes he bases his chief hope of ruining us & our institutions.”²⁰⁶ In a second letter, prompted by Ruffin’s defense of Mitchel’s editorial stance, Harrison reiterated the danger involved in the manipulation of class tensions in the South. Harrison excoriated Mitchel, writing that, in pursuit of his goal of reopening the slave trade, “his avowed purpose is to divide us, to wake the ‘slumbering venom of the folded snake’ that is in the midst of us.” In that context, Harrison referred to “Helper’s atrocious book,” telling Ruffin its “leading idea” was that “the only sure & speedy way to abolish slavery in the South, is to raise the numerous nonslaveholders against the comparatively few slaveholders.” He described *The Impending Crisis* as the work “of an incendiary,” and said it was “calculated to do infinite injury among the class to which it is addressed.” Fortunately, he noted, few nonslaveholders were “likely to read as large a Book.” That was not the case with Mitchel’s paper, Harrison asserted, for “all that read at all may read the ‘Citizen.’” He warned Ruffin that the course Mitchel “is now pledged to follow” would render a southern confederacy “a rope of sand steeped in blood.”²⁰⁷ Harrison believed that any effort to spark class conflict in the South was profoundly dangerous, and in trying to persuade his friend Ruffin, he adverted to Helper’s book.

Since the eighteenth century, slaveholders had successfully resisted the efforts of urban white mechanics to prevent competition from slave labor in their occupations. With the rise to prominence of *The Impending Crisis* in December 1859, proslavery voices had a new argument against such proposed restrictions on masters’ unimpeded rights. They were able to smear any attempt to limit the use of slave labor by saying that it was what Helper desired and that it introduced divisive debate at a time of danger. In the winter of 1859-60, the *Darlington Flag*

²⁰⁶ William H. Harrison to Edmund Ruffin, February 1, 1859, Edmund Ruffin Papers, VHS.

²⁰⁷ William H. Harrison to Edmund Ruffin, February 12, 1859, Edmund Ruffin Papers, VHS.

revived this perennial question in South Carolina by supporting the exclusion of slaves from mechanical pursuits. In response, the *Carolina Spartan* printed two editorials opposing any restrictions on slave labor. These were marked by a self-consciously dramatic reluctance to discuss the particulars of the issue. In the first, the *Spartan* expressed regret that the question had been raised and chided the *Flag*: “At the present juncture it is most inopportune, and only tends to widen the discussion growing out of the ‘peculiar institution.’” It privileged the interests of slave owners, arguing that if slaves were prohibited from such work, they would be less valuable to their masters. The *Spartan*’s answer was for white mechanics to purchase slaves and become petty contractors. Echoing the advocates of slave exemption, it stated: “The policy should be to strengthen it [slavery] by widening, rather than contracting, the sphere of employment, and make it the interest of every man to hold slaves.”²⁰⁸ In its second editorial, the *Spartan* dropped all pretense of debate, saying the topic was too sensitive for public discussion. Responding to the *Flag*’s question of “why it is improper to agitate the subject at this time,” it said: “To go into all its questions would be doing what we desire undone.” The *Spartan* then played its trump card, stating: “That is the precise lever which Helper suggests in his *Impending Crisis*.”²⁰⁹ In a great understatement, the *Spartan* noted that the issue “is not new,” citing an 1847 petition to the legislature. It then concluded rather breathlessly, implying that it had already said too much: “We cannot discuss the question.”²¹⁰ In order to protect masters’ property rights by defeating the effort to restrict slaves from mechanical labor, the *Spartan* maintained that raising the question implied disloyalty to the South. It smeared advocates by associating them with Helper, who had already been defined as an enemy of the South, rather than a spokesman for nonslaveholders’ interests.

²⁰⁸ “Slave Mechanics,” Spartanburg *Carolina Spartan*, January 26, 1860.

²⁰⁹ “Slave Mechanics,” Spartanburg *Carolina Spartan*, February 23, 1860. The meaning of the reference to Helper’s book is unclear, it may have been an allusion to Helper’s general strategy of promoting class awareness among nonslaveholders, or to Point 8 of his plan for abolition: “No more Hiring of Slaves by Non-slaveholders.”: Helper, *The Impending Crisis*, 156.

²¹⁰ “Slave Mechanics,” Spartanburg *Carolina Spartan*, February 23, 1860.

In North Carolina, where the issue of slave taxation promised to be a factor in the 1860 gubernatorial election, Democrats suggested that discussing the proposed reforms would further Helper's goals. Discussing the upcoming state Democratic convention with Governor John W. Ellis, former senator Asa Biggs criticized the Opposition for pushing ad valorem taxation of slave property at that time. He wrote:

It will introduce among us many of the arguments now used by the Abolitionists & will inaugurate a discussion sought for eagerly by the Abolitionists and tending to nothing but discord in a slaveholding State. It does seem to me that the leaders of the opposition . . . are demented . . . to introduce this question now.²¹¹

Biggs was well aware of *The Impending Crisis*, for, in the spring of 1858, he delivered a vicious ad hominem attack on Helper, in response to Senator Henry Wilson's praise of the book.²¹² As the gubernatorial campaign intensified, Democrats implied a direct connection between ad valorem taxation and Hinton Helper. In April 1860, the *Charlotte Whig* reported: "Democrats have been chuckling . . . at an article . . . [claiming] that H. R. Helper was the originator of the Ad valorem question, and whose object was to drive the slave property from the State." It disposed of that claim and asked that citizens not be distracted by fear-mongering. "We hope," the *Whig* wrote, "the people will examine the question fully and fairly . . . and they will then vote right."²¹³ By implying that proponents of ad valorem taxation were inspired by Helper, Democrats tried to prevent reasoned discussion of the issue and preserve a tax system beneficial to slave owners.

The ad valorem taxation of slaves was a recurring and contentious issue in Virginia as well, and Democratic opponents of the measure also sought to discredit its supporters by linking them to Helper. They targeted the pugnacious Frank Pierpont, a Whig from the western part of the state who criticized the hypocrisy and myopia of proslavery politicians. In February 1860, for example, Pierpont argued that state lawmakers made "the slave interest over-ride every other

²¹¹ Asa Biggs to John W. Ellis, February 29, 1860, in John Willis Ellis Papers, SHC.

²¹² *Congressional Globe*, 35th Cong., 1st sess., 1459-1460.

²¹³ "Helper and Ad Valorem," *Charlotte Whig* in *Greensboro Patriot*, April 20, 1860.

interest” and ignored the welfare of “the white man in this country who holds no slaves.”²¹⁴ That was unacceptable to the slaveholding class, which responded with a sharp attack. Weeks later, Pierpont complained that his support for an ad valorem tax on slaves led Democrats to slander him. He wrote: “Politicians are circulating as far as possible that I am an abolitionist, a black republican, &c. A democratic paper applies to me the epithets of ‘abolitionist,’ . . . ‘Helper,’ ‘Agrarian,’ . . . ‘a fanatic,’ and such.”²¹⁵ In fact, Pierpont spoke for many in the western part of the state, who were friendly to slavery but unhappy with taxation and the apportionment of the legislature. By associating their grievances with the reviled Helper and abolitionists, proslavery Democrats further alienated residents of western Virginia and contributed to the eventual division of the state.

An Opposition newspaper in North Carolina turned the proslavery attack on its authors by contending that Republican efforts to appeal to nonslaveholders should lead slave owners to grant concessions on slave taxation. This tactic was meant to empower nonslaveholders’ pursuit of their class interests within a slave society. In March 1860, the *Greensboro Patriot* warned that privileges granted to slave owners diminished nonslaveholders’ enthusiasm for the institution.

Alluding to the recent controversy over *The Impending Crisis*, it declared:

Abolition emissaries are so busily engaged in scattering their incendiary documents and incendiary speeches, and using all other means to inculcate and impress their doctrines upon the minds of our Southern people, that it behooves every Southern State, and North Carolina especially, to remove every thing which may have the least tendency to make the non-slaveholders in those states dissatisfied with the institution of slavery. Every discrimination which is in favor of the slaveholder only . . . should be abolished.

Where proslavery Democrats called for southerners to close ranks and postpone action until the sectional crisis was resolved, the Opposition *Patriot* cited the external threat as a justification for internal reform. It gave as an example “the question of Revenue,” contending that “the present discrimination between the amount of taxes and land redounds to the benefit of the slaveholder,

²¹⁴ Pruntytown *Family Visitor*, February 24, 1860, TS, Francis H. Pierpont Papers, WVC.

²¹⁵ F. H. Pierpont to D. S. Morris, March 23, 1860, TS, Francis H. Pierpont Papers, WVC.

and to him alone.” Using words laden with the danger of class conflict, the *Patriot* declared: “Non-slave-holders are growing restless under this discrimination.” It separated class relations from southern patriotism, asserting that “non-slave-holders are as truly Southern in their feelings, as slave-holders.” The *Patriot* warned that nonslaveholders’ patience was not infinite: “It cannot be supposed, that they will or can feel that interest in upholding the institution of slavery as they would do, were this odious and unjust discrimination removed.” The editorial concluded with a cryptic warning to slaveholders and an admonition to Democrats not to slander proponents of ad valorem taxation. It stated: “Let slave-holders ponder this matter well; and when the Democratic papers speak of co-workers in the ‘irrepressible conflict,’ let them weigh well their words.”²¹⁶ That warning implied that continued intransigence by slaveholders and Democrats might provoke the active hostility of southern nonslaveholders. The *Patriot*’s editorial suggests the uses to which slaveholders’ fear of class unrest could be put when an issue like taxation entered the arena of partisan politics.

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The southern campaign of censorship and repression engendered by Harper’s *Ferry* and *The Impending Crisis* was intended to keep antislavery thought, and documents in particular, from reaching white nonslaveholders as well as the enslaved. A range of legal and informal measures operated to prevent the influx of dissenting ideas and enforce a conformity of opinion in favor of slavery. Laws supposedly enacted to guard against a slave revolt were interpreted in ways that curtailed the civil liberties of white citizens and were used to bolster slave owners’ control of their society. By forcing peddlers who sold northern publications to pay exorbitant licensing fees, slave states tried to prevent those traveling salesmen from circulating subversive materials among whites in the hinterland. Concurrently, southern states required postmasters to become sentinels at the gate and intercept any antislavery documents sent through the mail.

²¹⁶ “The Irrepressible Conflict,” *Greensboro Patriot*, March 30, 1860.

Alongside these statutory initiatives, vigilance committees across the South ferreted out any expression of dissent on the part of white citizens, even when not uttered in the presence of slaves. Much of the region's press joined in the effort to create unanimity by warning its white readers to avoid books that might poison their minds and by suggesting wholesome proslavery volumes. Proslavery ideologues used the notoriety attached to Helper and his book to characterize native class-based opposition to slaveholders' privileges as being disloyal to the South. The reaction to Helper's appeal to nonslaveholders revealed slave owners' deep fear of class conflict and elicited their insistence upon total control of public discourse in the South.

Chapter Six:

Harold Willis and State Censorship

In mid-January 1861, weeks after South Carolina seceded from the Union, lawmakers in the state's House of Representatives debated a bill which would have curtailed nonslaveholders' civil liberties by prohibiting their exposure to antislavery thought. The leading opponent of the measure, Plowden C. J. Weston, argued that its passage would leave a heritage of censorship and repression. "If any man attempted to write history from this Bill," Weston declared, "he would say we are compelled to keep one class down by the strong arm of the law."¹ Conversely, John Harleston Read, Jr., the bill's sponsor, contended: "There [is] not sufficient legislation against those who undertake to incite the minds of those who are not slaveholders against those who are."² Read had reported the bill out of the Committee on Colored Population one month earlier, in response to the entreaty of leading citizens of Greenville District.³ Profoundly shaken by the circulation of a few copies of *The Impending Crisis* in their area, the grand jurors for Greenville recommended a law "making it a capital offence to publish or circulate any paper pamphlet or Book . . . calculated to produce alienation between the Slave holders, and nonslaveholders of this State."⁴ Their presentment was a reaction to the trial of a local white man named Harold Willis, who was charged with handing copies of *The Impending Crisis* to some of his neighbors. Willis had distributed the book in 1858, but no one objected at that time, due to his respectable character and because few southerners were then familiar with Helper's book. In November 1859, however, when the *New York Herald* revealed the fact of Republican involvement in a scheme to raise money to circulate the book in the North, Willis became a public enemy. Residents of the district formed a vigilance committee and, with the complicity of state officials, placed him under arrest.

¹ "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861.

² "Legislature of South Carolina," *Charleston Mercury*, January 14, 1861.

³ *Journal of the House of Representatives of the State of South Carolina: Being the Sessions of 1860* (Columbia: R. W. Gibbes, 1860), [Regular Session] 118 (hereafter cited as *South Carolina House Journal*, 1860).

⁴ Presentment 1860-12 in S165010: Grand Jury Presentments, SCDAH.

Leaders of the community were determined to have Willis tried in court, to impose the ban of state power on his attempt to spread abolition ideas among nonslaveholders. Although Willis was prosecuted under statutes which outlawed the circulation of documents intended to create unrest among slaves, state officials were most troubled by his possible influence on nonslaveholders. Willis's case, and the proposed legislation which resulted from it, illustrate the manner in which slave owners wielded state power and used the fear of a slave revolt to maintain their hegemony.

The Arrest

Prompted by the *New York Herald's* revelations about Republican endorsement of *The Impending Crisis*, residents of Greenville, South Carolina arrested Harold Willis for giving the book to some of his neighbors. On December 1, 1859, district magistrate T. L. Donaldson issued an arrest warrant for Willis, charging him with "circulating papers calculated to disturb the peace." The warrant cited a sworn statement from Willis D. Threlkeld, asserting that "Harrauld Willis . . . did circulate within the past year a certain book, entitled 'The Impending Crisis of the South' and other papers calculated to disturb the peace and quiet of the people." Constable Zadok Martin apprehended Willis, cloaking that action with the authority of the state.⁵ In truth, however, the arrest came at the behest of, and was largely conducted by, a group of private citizens who had formed a local vigilance committee. Shortly after Willis's arrest, the *Lancaster Ledger* warned that abolition emissaries were all over the South, spreading "incendiary doctrines among our slaves, and even among whites who may be so misguided as to listen to measures which . . . compass their own destruction." It recommended the creation of vigilance groups across the state, arguing that "the security and perhaps the very existence of entire communities" was at stake.⁶ Members of the Greenville committee told magistrate Donaldson of their suspicions about Willis

⁵ Record Series L23086: Greenville County, Court of General Sessions, Indictments. File Number 2322, "The State vs. Harold Willis," SCDAH (hereafter cited as Willis Indictment).

⁶ "Vigilance Committees," *Lancaster Ledger*, December 7, 1859.

in order to effect his arrest.⁷ Thomas S. Arthur, a surety for Threlkeld's appearance as a witness, subsequently wrote: "I did preside at the organization of a Vigilance Committee last Decbr., which resulted in bringing Wyllis to justice."⁸ Greenville's leading citizens preferred to use state authority against Willis and *The Impending Crisis*, a decision which characterized their handling of the matter from start to finish.

In a letter to Benjamin F. Perry, one of Greenville's four state representatives, committee member A. B. Crook described the group's actions and its thinking. He recounted the events surrounding Willis's arrest:

We have formed here a "vigilance Association" of which I am president. The active agency . . . is an executive committee of ten. . . .

Under the instructions of the Association the executive committee have examined into a rumour that Harrauld Willis . . . was circulating in the community "The Impending Crisis of the South." . . . The committee on inquiry satisfied themselves that the report was well founded. They have had Willis arrested and he is now in Greenville Jail.

In Willis's house, the committee found several copies of *The Impending Crisis*, Helper's card saying that additional copies of his book could be obtained from the *New York Tribune*, and "other pamphletts of the same character."⁹ Crook did not describe the contents of Helper's book to Perry, advising him instead to call on Governor William Gist and examine it for himself.¹⁰ He claimed that Willis had given a copy of *The Impending Crisis* to one local white man and sent a

⁷ On December 8, 1859, Greenville representative William H. Campbell introduced a bill that would have codified the manner in which Threlkeld impelled the state to act against Willis. The bill provided: "[I]t shall and may be lawful for any Magistrate . . . to whom information shall be made, on oath, by any person or persons, that he or they know, or have reason to believe, that any person or persons . . . have about their persons, or in his or their possession or keeping, any books, papers, [or] correspondence . . . calculated to produce discontent or insubordination amongst the negroes of this State; . . . to issue his warrant directed to any constable, authorizing and commanding such constable, to make search upon such suspected person or persons for such books or other matter aforesaid, and also to search in any house or place where there is reason to believe such suspected books or other matter aforesaid are concealed." "A Bill To provide more effectually for the protection of the people of this State from the agents and emissaries of abolitionists and to impose certain restrictions on auctioneers, peddlars and agents," S165001: Acts, Bills, and Joint Resolutions, 1859 Session, SCDAH. The bill did not become a law.

⁸ Thomas S. Arthur to Perry, n.d. [1860], Benjamin F. Perry Papers, ADAH, mfm at SCDAH. On December 1, 1859, T. L. Donaldson issued a recognizance for Threlkeld to testify against Willis. Thomas S. Arthur and T. C. Bolling signed it as sureties, becoming liable for \$500 each if Threlkeld failed to appear.: Willis Indictment.

⁹ A. B. Crook to Benjamin F. Perry, December 4, 1859, Benjamin F. Perry Papers, ADAH, mfm at SCDAH.

¹⁰ The committee probably sent a copy of *The Impending Crisis* to Gist and informed him of Willis's arrest. There is no general file of letters received and sent for Governor Gist in the SCDAH. There is Record Series S166050: Governor, Unsorted papers of various governors, ca. 1854-1930, which the author has not examined.

copy to a second, by means of “a reading negro preacher.”¹¹ In his letter, Crook also revealed the influence of the *New York Herald* upon the committee’s understanding of Helper’s book and its significance.¹² Echoing that newspaper’s editorial position, he wrote that *The Impending Crisis*, “in connection with the ‘Harpers Ferry’ affair, makes every one who circulates it . . . guilty of treason to the Union.” Moreover, Crook asserted that if Republican congressmen had endorsed the book, “as the New York Herald charges,” then southern legislators would be disgraced by remaining in Washington.¹³ Like their representatives in Congress, Greenville’s leading men quickly responded to the *Herald’s* exposé of Republican support for Helper’s book.

In keeping with its use of state authority to arrest Willis, the committee was determined to have him punished under the law and not lynched by an angry mob. If Willis were brought before a judge on a writ of habeas corpus, Crook wrote, “we shall resist his *being bailed*.” He predicted that once Perry read Helper’s book, “you will agree . . . that no man who will give aid to its circulation should be permitted to go at large . . . but . . . should be kept in a safe place until he can be tried & hung.” The committee feared that if Willis were allowed to go free on bail, an enraged public would exact summary retribution. “I do not believe his presence, at large, will be tolerated by our people,” Crook wrote. To ensure Willis’s personal safety and security for trial, the committee wanted him to remain in jail until the next court met in March 1860. Members of the group also tried to avoid having the case publicized, as Crook told Perry: “The Willis case will not be noticed in our village papers.”¹⁴ The group may have hoped that keeping the case out of the news would prevent a public uproar against Willis and further ensure his safety.¹⁵

¹¹ A. B. Crook to Benjamin F. Perry, December 4, 1859, Benjamin F. Perry Papers, ADAH, mfm at SCDH.

¹² “Abolition Revolutionary Scheme,” and “Revolutionary Designs of the Abolitionists—New York Names Endorsing Treason,” *New York Herald*, November 26, 1859. See Chapter Four for the *Herald’s* exposé.

¹³ A. B. Crook to Benjamin F. Perry, December 4, 1859, Benjamin F. Perry Papers, ADAH, mfm at SCDH.

¹⁴ A. B. Crook to Benjamin F. Perry, December 4, 1859, Benjamin F. Perry Papers, ADAH, mfm at SCDH.

¹⁵ The committee initially succeeded in keeping Willis’s arrest out of the local newspapers. The *Greenville Southern Enterprise*, for example, did not report the arrest in its issues of December 8 or December 15, 1859. It is impossible to determine whether the *Greenville Patriot and Mountaineer* omitted reporting Willis’s arrest, as the SCL has no files of the paper from October 11, 1859 through April 10, 1860.

Benjamin F. Perry most assuredly did not share Crook's opinion of the alleged danger posed by Willis and his books. Perry's disdain for the action taken by the Greenville committee was consistent with his long-standing position as a moderate in South Carolina politics. In letters to his wife Elizabeth, written in December 1859, Perry, serving in the state legislature, expressed dismay over the hysteria gripping South Carolina. On December 5, he told her: "Dr. Crook wrote a long letter about an abolitionist taken up in Greenville named Willis. The excitement has reached Greenville & will run over the State like wild fire. Much foolery will be committed I have no doubt."¹⁶ A few days later, Perry tried to soothe nerves by advising his wife: "Tell all your friends there is no danger of abolitionists, or war or disunion. I fear the people will make fools of themselves in Greenville."¹⁷ In one particular, he agreed with members of the committee in Greenville. Relating the story of a Columbia stone cutter who declared himself an abolitionist and was then seized by a mob and whipped, Perry concluded, "the people are run mad & I fear will commit outrages all over the State." He deplored the action, arguing "the laws are sufficient to protect our Institutions."¹⁸ The Greenville committee hoped Willis would not fall into the hands of a similar mob, which might deal out a harsher fate.

The Willis case briefly gained national attention on December 14, 1859 when South Carolina's John D. Ashmore alluded to it in Congress. His account revealed that Greenville's leaders were as concerned about Willis's influence on nonslaveholders as with his impact on slaves. As the House of Representatives engaged in protracted debate over *The Impending Crisis*, Ashmore, whose district included Greenville, discussed Willis's arrest for circulating the book:

We have now in jail, at the court house at Greenville . . . one of the vilest and most infamous creatures that ever defiled the face of this fair earth, who was caught with these books in his hand, and who had distributed no less than ten or twelve copies of it among the negroes and poor white men of that district.

¹⁶ Benjamin F. Perry to Elizabeth F. Perry, December 5, 1859, Benjamin Franklin Perry Papers, SCL.

¹⁷ Benjamin F. Perry to Elizabeth F. Perry, December 13, 1859, Benjamin Franklin Perry Papers, SCL.

¹⁸ Benjamin F. Perry to Elizabeth F. Perry, December 1859 "Saturday Night," Benjamin Franklin Perry Papers, SCL.

Alabama representative Williamson R. W. Cobb interrupted, exclaiming: “Well, they’ll hang him.” Ashmore concurred, saying: “Yes sir; they will hang him, and we will hang any such men who come into that congressional district.” He described Willis as an “emissary of these Black Republicans,” and characterized the committee who arrested him as the “leading gentlemen” of Greenville. Learning that an “infamous attempt was being made to arouse the slave population of the district and array the non-slaveholder against the slaveholder,” Ashmore recounted, the men investigated and found “seven copies of that infamous Helper book,” which Willis had distributed. In Willis’s home, he said, the men discovered three more copies of *The Impending Crisis*, an “extensive correspondence” with persons in the North, and instructions on obtaining free copies of *The Impending Crisis* from the *New York Tribune*.¹⁹ Ashmore provided a lurid and fanciful description of Willis’s circulation of *The Impending Crisis*:

He went about his work secretly and at the midnight hour; whilst others were asleep, whilst all the honest men of the country were wrapped in slumber, he was prowling through the highways and byways of the land, distributing this book to the non-slaveholding whites and negroes.

Such an insidious book, he implied, could only be handed out when respectable members of the community were unaware. Ashmore told Republicans that their effort to sway nonslaveholders in Greenville had failed, for the men who informed on Willis, “were non-slaveholders.” A “good old gentleman,” said Ashmore, “who never owned a slave in his life,” had revealed Willis’s “rascally treason.”²⁰ His description of events reflected the proslavery assertion that Republican efforts to proselytize southern nonslaveholders would fail because they were loyal to slavery. Like other

¹⁹ *Congressional Globe*, 36th Cong., 1st sess., 161. Ashmore’s description of the materials taken from the Willis home coincides with the account in Crook’s letter to Perry, suggesting that he learned of the arrest from Crook or another member of the group. Moreover, Ashmore said he would soon provide more “testimony of the best men in the good old district of Greenville.” The committee probably wrote to Governor Gist, Perry (one of four Greenville representatives in the South Carolina House), and Ashmore (Greenville’s congressman).

²⁰ *Congressional Globe*, 36th Cong., 1st sess., 161.

southerners in Congress, Ashmore never explained why he was so angry about efforts to sway a class that was so enamored of slavery.²¹

By discussing Willis's arrest in Congress, Ashmore scuttled the vigilance committee's efforts to keep it out of the newspapers. On December 22, the *Greenville Southern Enterprise* printed his speech in its entirety and argued that Helper's book contained "sentiments and plans of a most infamous and outrageous character."²² Several other newspapers in the state carried Ashmore's remarks, including the *Spartanburg Carolina Spartan*, *Keowee Courier*, *Charleston Mercury*, and *Charleston Courier*.²³ The *Keowee Courier* had previously alluded to Willis, noting that "a miscreant" had been circulating Helper's book and "talking 'old John Brown' sentiments" in Greenville. Like Ashmore and the members of the vigilance committee, it concluded that he would "undoubtedly swing!"²⁴ The court of public opinion had convicted and condemned Harold Willis months before his trial.

The anger of those who were confident that Willis would be hung was incongruous with South Carolina law, which made no provision for executing white men convicted of distributing "incendiary" literature. At the time of his arrest, two statutes covered such cases, one passed in 1805, and the second in 1820. The 1805 law declared:

Any person or persons who shall hereafter write or publish any inflammatory writing or words, or deliver publicly any inflammatory discourse, tending to alienate the affection or seduce the fidelity of any slave or slaves in this state, shall, on conviction . . . suffer such punishment, not extending to life or limb, as shall be adjudged by the judge or judges presiding in the court.

²¹ Privately, Ashmore was less confident of nonslaveholders' devotion to slavery. In a January 12, 1860 letter to his brother, Ashmore expressed concern that Helper's book might have an "evil effect" on nonslaveholders.: Steven A. Channing, *Crisis of Fear: Secession in South Carolina* (New York: W. W. Norton, 1974), 104.

²² "The 'Helper Book' in Congress—Remarks of Hon. J. D. Ashmore," *Greenville Southern Enterprise*, December 22, 1859.

²³ "Remarks of Col. J. D. Ashmore," *Spartanburg Carolina Spartan*, January 4, 1860; "Congress," *Keowee Courier*, January 7, 1860; "Remarks of Hon. John D. Ashmore, of South Carolina, in the United States House of Representatives, December 14, 1859," *Charleston Mercury*, December 19, 1859; *Richmond Dispatch* in *Charleston Daily Courier*, December 19, 1859.

²⁴ "Book and Other Pedlars," *Keowee Courier*, December 24, 1859.

It granted judges considerable leeway in determining penalties but clearly excluded capital punishment. The statute required that “the writing, words or discourse published, held or made, shall be plainly and distinctly set forth” in the indictment of any person accused. Moreover, the grand jury’s finding with regard to such an indictment determined “that the words so charged are . . . of a seditious and treasonable nature.”²⁵ In short, the local community would be the final arbiter in deciding whether speech or writing was seditious. The legislature modified the law in 1820, taking away judges’ leeway by specifying the punishment of those distributing seditious material. “Any white person” circulating written material, “with intent to disturb the peace or security . . . in relation to the slaves of the people of this state,” would be fined up to \$1,000 and imprisoned for up to a year.²⁶ Those penalties were much less severe than what many persons acquainted with the Willis case wanted. By arresting Willis under the forms of law, Greenville’s vigilance committee ensured that he would not be hung. The committee acted to preserve order, but in doing so, its members forestalled the justice they felt should be visited upon Willis.

During the winter of 1859-60, South Carolina, like many other slave states, enacted new legislation to deal with the circulation of incendiary documents.²⁷ Reacting to Harper’s Ferry and the controversy over Helper’s book, the legislature passed “An Act for the Peace and Security of the State,” on December 22, 1859. This law was not applicable to Willis’s case because it was passed after he committed his crimes. It prohibited circulation, “with evil intent,” of materials “calculated to disaffect any slave or slaves in this State, or tending to incite any insurrection or disturbance among the same.” Spoken words that would produce the same effect on slaves were also forbidden. A white person convicted under the law would be “fined and imprisoned in the

²⁵ “An Act for the punishment of certain crimes against the State of South-Carolina,” *Acts and Resolutions of the General Assembly of the State of South-Carolina* [1805 session] (N.p., n.d.), 49-51 (hereafter cited as *South Carolina Acts, 1805*); Petigru, *Portion of the Code of Statute Law of South Carolina*, 603.

²⁶ “An Act to restrain the emancipation of Slaves, and to prevent free persons of colour from entering into this State, and for other purposes,” *Acts and Resolutions of the General Assembly of the State of South-Carolina, Passed in December, 1820* (Columbia: D. Faust, 1821), 22-24 (hereafter cited as *South Carolina Acts, 1820*).

²⁷ See Chapter Five for a treatment of the legislation proposed and/or enacted in several southern states during the winter of 1859-60.

discretion of the Court.”²⁸ The decision as to the severity of punishment was thus restored to the court, but capital punishment was still excluded. A politician like John D. Ashmore might fret and foam about hanging offenders, but when South Carolina lawmakers crafted this statute, they did not countenance execution. This act conformed to earlier laws, by emphasizing “intent” and by prohibiting literature or speech designed to make slaves unhappy, but it also departed from them in significant ways. First, its main purpose was to interdict speech or writing, whereas in the 1805 and 1820 laws, the prohibition of antislavery expression was secondary.²⁹ Through its focus on antislavery speech and writing, the 1859 act revealed legislators’ overriding concern with the threat posed by such expression. In addition, it conscripted postmasters into the effort to prevent the circulation of antislavery material. Any postmaster or clerk discovering incendiary literature in the mail was required to inform the local magistrate. That official would “have such material burned in his presence,” and, if he determined that the recipient had subscribed to, or agreed to receive the material “with evil intent,” he would arrest that person.³⁰ South Carolina lawmakers painstakingly tried to close off every potential avenue for the transmission of antislavery thought with this law.

The legislature’s passage of the law commanded attention from newspapers throughout the state. Editors showed their belief in the measure’s importance by devoting precious space to printing the full text of the act.³¹ Newspapers which carried the law’s provisions included the *Lancaster Ledger*, *Yorkville Enquirer*, *Spartanburg Carolina Spartan*, and the *Keowee Courier*.³²

²⁸ *South Carolina Acts, 1859*, 768-769.

²⁹ The 1805 act was primarily directed at aiders and abettors of slave insurrections, and the prohibition of seditious writing or speech was contained in the second section. The 1820 law contained several sections dealing with regulation of the state’s African-American population, free and bond.

³⁰ *South Carolina Acts, 1859*, 768-769.

³¹ With the exception of dailies in large cities, most newspapers were issued on a weekly basis. At that time, newspapers rarely printed the full text of laws passed by the legislature. Only legislation deemed of particular local interest or great statewide importance saw print. Generally, newspapers simply printed a list of titles of acts passed at the end of the session. Most people had to wait for the printed *Acts* to be distributed to local officials to learn the exact provisions of new legislation.

³² *Lancaster Ledger*, January 18, 1860; *Yorkville Enquirer*, January 12, 1860; “Public Laws of 1859,” *Spartanburg Carolina Spartan*, January 19, 1860; “Tampering with Slaves,” *Keowee Courier*, January 7, 1860.

Along with the 1859 act, the *Keowee Courier* printed the relevant sections of the acts of 1805 and 1820. “At a time like the present,” it stated, “it is highly important that our citizens should know what provision has been made by the Legislature, for the peace and security of the State.” In consonance with the Greenville committee, the *Courier* argued that strict adherence to these acts would “avoid any resort to those measures of redress which override the law, and lead to violence and disorder.” No one need take the law into their hands, it argued, for “these statutes provide for all those cases which are likely to occur.”³³ That confidence in the existing laws was not shared by everyone, however. A writer to the *Sumter Watchman*, referring to the stone cutter mobbed in Columbia, found “no necessity for a departure” from the law, but conceded further legislation might be required. “If the provisions are not strict enough,” he wrote, “the Code should be revised and the legal prescription made severe enough to suit the case of any one.”³⁴ After Willis’s trial, the community leaders in Greenville decided that existing statutes were not sufficient, and asked for a law to meet the particular exigencies of his case.

In the first two months of 1860, the Greenville District Court prepared its case against Harold Willis. On January 7, magistrate T. L. Donaldson issued a warrant binding twenty-two persons as material witnesses for the state against Willis for “circulating incendiary papers.” Throughout January and February, constable Zadok Martin brought witnesses before Donaldson to sign recognizances for their appearance at the March session of the court. The indictment of Willis was variously described in the recognizances as “circulating incendiary books & papers,” “circulating incendiary papers,” or “circulating incendiary documents.”³⁵

During the Speaker fight in the House, southern congressmen demonstrated a clear understanding of Hinton Helper’s effort to convince southern nonslaveholders to organize and take political action against slavery. Proslavery ideologues in South Carolina recognized that

³³ “Tampering with Slaves,” *Keowee Courier*, January 7, 1860.

³⁴ “Correspondence of the Sumter Watchman,” *Sumter Watchman*, January 6, 1860.

³⁵ Willis Indictment.

threat in relation to Harold Willis's circulation of *The Impending Crisis*. During early 1860, the *Sumter Watchman* printed two letters, purportedly from a nonslaveholder, on "Poor White Men at the South."³⁶ In the second letter, the author linked Willis's arrest to Republican efforts to proselytize southern nonslaveholders. He claimed that "abolitionists" hoped to "excite envy, hatred and war between white man and white man, an 'irrepressible conflict' between the slaveholders and the non-slaveholders at the South." To that end, Republican congressmen had endorsed *The Impending Crisis*, "to promote the extensive diffusion . . . of that book throughout the South by means of secret emissaries." Alluding to Willis, the author said one such emissary "has been detected in distributing that book in South Carolina." He called for Willis to receive "the highest penalty imposed by the law," and warned "every true citizen" to watch for other interlopers. Like the Greenville committee, he worried that the superheated political environment might breed extralegal violence and asked citizens to be "prudent and vigilant at the same time." Even as he raged over Republican attempts to foment class conflict in the South, he denied the existence of any grounds for it. "My chief design," the writer said, was to "show that the interests and hopes of non-slaveholders in the South are inseparably interwoven with the existence of 'African slavery.'" There was, he argued, "no distinction of classes in the white race" in the South. Enterprising persons enjoyed social mobility, and the "poorest and most illiterate white man" could reasonably hope that his children might "become the owners of slaves." Moreover, he asked, how would the poor white man benefit from the abolition of slavery, which would place "the negro on a level with himself," and involve all southerners "in one common ruin."³⁷ By responding to Helper's arguments, the writer revealed his fear that *The Impending Crisis* could spark internal conflict in the South. Harold Willis was charged under two statutes meant to guard

³⁶ "Poor White Men at the South," *Sumter Watchman*, January 17, 1860; "Poor White Men at the South—No. 2," *Sumter Watchman*, February 29, 1860.

³⁷ "Poor White Men at the South—No. 2," *Sumter Watchman*, February 29, 1860.

against slave unrest, but the men who arrested him, as well as other observers in the state, were troubled by his distribution of Helper's book among nonslaveholders.

The Trial and Its Aftermath

Greenville District's Court of General Sessions opened its 1860 spring term on Monday, March 26, 1860, with Judge J. N. Whitner presiding. Its first action was to swear in members of the grand jury, drawn during the court's fall term in October 1859.³⁸ The foreman of the grand jury, John L. Westmoreland, was a political leader in the district, having served two terms as Greenville's state senator, from 1856 through 1859.³⁹ Before the state could proceed in its case against Harold Willis, the grand jury first had to rule on whether the indictment of Willis was a "true bill," and warranted prosecution.⁴⁰ On the first day of the term, the grand jury declared that the indictment of Harold Willis, "for Publishing Inflammatory Writings," was a true bill, clearing the way for the state to proceed with its case.⁴¹ These early actions of the court received notice in local newspapers and in Charleston. The *Greenville Southern Enterprise* reported that Harold Willis's trial "for circulating incendiary documents (Helper's Book) among slaves," was a case of interest. In Charleston, the *Mercury* clipped the report of the *Patriot and Mountaineer*, noting that "the Grand Jury has found a true bill in the case of Harold Wylls, charged with distributing incendiary documents among slaves."⁴² By printing court proceedings of distant Greenville, the *Mercury* demonstrated the statewide interest in the Willis case.

³⁸ Record Series L23085: Greenville District, Court of General Sessions, Criminal Journal 1857-1873 (TS), 47, 49 (hereafter cited as Greenville Journal). The typescript has its own pagination and also lists page numbers from the original MS. All page numbers in citations are those of the typescript version.

³⁹ Emily Bellinger Reynolds and Joan Reynolds Faunt, *Biographical Directory of the Senate of the State of South Carolina 1776-1964* (Columbia, SC: South Carolina Archives Department, 1964), 55-58.

⁴⁰ Definition of "true bill" from *Webster's Third New International Dictionary of the English Language* (Springfield, MA: Merriam-Webster, 1961), 2455.

⁴¹ Greenville Journal, 49-50.

⁴² "Court of General Sessions and Common Pleas," *Greenville Southern Enterprise*, March 29, 1860; *Greenville Patriot and Mountaineer* in "Court Week," *Charleston Mercury*, March 30, 1860.

The state presented its case against Harold Willis on Wednesday, March 28, 1860.⁴³ Its bill of indictment contained nine counts, all of which cited “a Book entitled ‘The Impending Crisis of the South: How to Meet It; by Hinton Rowan Helper.’”⁴⁴ Willis was prosecuted only for distributing *The Impending Crisis*; no other publication was mentioned in the indictment.⁴⁵ The first two counts charged him with giving “to a slave named Emanuel,” a copy of the book, “the tendency of which . . . was to alienate the affection and seduce the fidelity, of the said slave.” The third count asserted that the book tended “to alienate the affection and seduce the fidelity of the slaves in this State,” and the fourth said the book tended “to seduce the fidelity of the slaves in this State.” The fifth count cited Willis’s delivery of the book to the slave Emanuel, said the book contained “inflammatory and seductive matter,” and that it tended to “seduce the fidelity of the slave Emanuel.” Each of the first five counts declared that Willis “unlawfully . . . did publish” *The Impending Crisis* within South Carolina.⁴⁶ In leveling that charge, the state adopted a broad definition of “publish,” including “to declare publicly; make generally known.”⁴⁷ The language of the first five counts came from the 1805 law, which the state claimed Willis had violated by giving a copy of *The Impending Crisis* to a slave.⁴⁸ The last four counts charged Willis with violating the 1820 law.⁴⁹ Counts six, seven, and nine asserted that he “did circulate within this State,” Helper’s book. In the eighth count, he was charged with “bring[ing] within this State” copies of the book. Each of the last four counts against Willis declared that in circulating *The*

⁴³ Greenville Journal, 53.

⁴⁴ Willis Indictment.

⁴⁵ The *Greenville Patriot and Mountaineer* erroneously reported that Willis had been “charged with the circulation of *Helper’s Impending Crisis* and *Uncle Tom’s Cabin*.”: *Greenville Patriot and Mountaineer* in “Harold Wyllys,” *Charleston Mercury*, April 6, 1860. While *Uncle Tom’s Cabin* was found among Willis’s effects and Lewis Rodgers testified that he had been given a copy of the book by Willis, the indictment referred only to *The Impending Crisis*. Helper’s book was deemed to be more of a threat than Stowe’s.

⁴⁶ Willis Indictment.

⁴⁷ Definitions of “publish” from *Webster’s Third*, 1837.

⁴⁸ *South Carolina Acts, 1805*, 50. The law referred to persons who “write or publish any inflammatory writing . . . tending to alienate the affection or seduce the fidelity of any slave or slaves.”

⁴⁹ *South Carolina Acts, 1820*, 23. The act referred to persons “convicted of having directly or indirectly circulated or brought within this state, any written or printed paper, with intent to disturb the peace or security of the same in relation to the slaves of the people of this state.”

Impending Crisis, he intended “to disturb the peace and security of the same State, in relation to the slaves of the people of this State.”⁵⁰ In short, the last four counts required the state to demonstrate Willis’s evil intentions in handing out copies of *The Impending Crisis*. The prosecution had to prove not only that Willis handed out the book but that he meant to raise a slave insurrection by doing so.

The state’s indictment of Willis included passages from *The Impending Crisis*, to prove the “inflammatory and seductive” nature of the book.⁵¹ It thus conformed to the 1805 law, which required “the writing, words or discourse published, held or made,” to be “plainly and distinctly set forth,” in any indictment for a violation of its terms. The 1805 law also stated that the grand jury decided whether “the words so charged are . . . seditious and treasonable.”⁵² By finding the state’s indictment of Willis to be a true bill, Greenville’s grand jury concluded that the passages quoted in the indictment were indeed seditious. The trial jury’s tasks were to determine whether Willis had circulated the book, and if so, that he intended to create unrest among slaves.

The selections from *The Impending Crisis* in the indictment provide a revealing glimpse into the prosecution’s thinking, showing the prominence it accorded to Helper’s appeal to white nonslaveholders. Although the state did not, and could not, explicitly charge Willis with trying to foment class conflict among whites, the indictment contained a good deal of language directed at southern nonslaveholders. Passages from *The Impending Crisis* appeared in three counts of the state’s indictment of Willis. The fourth count included selections that outlined Helper’s plan to gradually abolish slavery by imposing onerous taxation on slave owners. Revenue from the taxation, Helper elaborated, would “be used for the sole advantage of the slaves.”⁵³ The fifth count excerpted material where Helper described chattel slavery as “inhuman bondage,” and referred to slave owners as “cruel taskmasters.”⁵⁴ Those passages certainly supported the state’s

⁵⁰ Willis Indictment.

⁵¹ Willis Indictment.

⁵² *South Carolina Acts, 1805*, 50.

⁵³ Willis Indictment. The passage is from Helper, *The Impending Crisis*, 178.

⁵⁴ Willis Indictment. The passage is from Helper, *The Impending Crisis*, 180.

claim that the book tended to create unhappiness among slaves. The final passage taken from *The Impending Crisis*, however, dealt mainly with Helper's championing of the interests of southern nonslaveholders. Appearing in the ninth count of the indictment, it related Helper's demands that slavery be abolished and that slaveholders should provide compensation to each freed slave. Most striking are several provocative statements regarding the irrepressible conflict between the interests of slave owners and nonslaveholders. First was Helper's claim that slavery held down the value of land: "On the single score of damages to lands, the slaveholders are, at this moment, indebted to us, the non-slaveholding whites, in the enormous sum of nearly seventy-six hundreds of millions of dollars." In addition, the indictment quoted Helper telling slave owners: "For five or six millions of Southern non-slaveholding whites, whom your iniquitous statism has debarred from almost all the mental and material comforts of life—do we speak, when we say, you must emancipate your slaves." The abolition of slavery would be "a simple act of justice to the non-slaveholding whites, upon whom the institution of slavery has weighed scarcely less than upon the negroes themselves." Finally, the indictment quoted Helper's new creed for nonslaveholders: "Henceforth there are other interests to be consulted in the South, aside from the interests of negroes and slaveholders."⁵⁵ By excerpting those words from a book which was several hundred pages long, the state revealed its preoccupation with Helper's appeal to nonslaveholders. South Carolina prosecuted Harold Willis for trying to create unrest among slaves, but it did so largely on the basis of language intended to instill class consciousness among white nonslaveholders.

Presenting the case for the state, J. P. Reed questioned at least two, and perhaps as many as eight witnesses.⁵⁶ Defense attorney William King Easley partially recorded, in staccato notes, the testimony of two witnesses, Lewis Rodgers and Jacob Hyde.⁵⁷ Rodgers owned a slave named

⁵⁵ Willis Indictment. The passage is from Helper, *The Impending Crisis*, 185-187.

⁵⁶ Greenville Journal, 54; Willis Indictment. The list of potential witnesses on the wrapper of the indictment has the letter "S" (indicating "sworn" or "summoned") next to eight names. Newspaper accounts give no indication of the number of witnesses who testified.

⁵⁷ MS notes n.d., Folder 6, Legal-size box, William King Easley Papers, SCL (hereafter cited as Willis Notes).

Emanuel, whose alleged receipt of *The Impending Crisis* from Willis formed the substance of the first five counts of the indictment. He had known Willis for fifteen to twenty years, and said that Willis claimed to have moved from the North. Rodgers received *The Impending Crisis* from him, “this Fall a year ago,” he had “read part of the book,” but not discussed its contents with Willis. In addition, Rodgers had read *Uncle Tom’s Cabin*, which he “thinks he got from Mr. W[illis],” and said he often borrowed books from him. On the crucial question of whether Willis gave a copy of *The Impending Crisis* to the slave Emanuel, Rodgers testified that he “never saw the negro in possession of one of the books,” and that the slave was a “bad reader.” In terms of personal character, Rodgers stated that Willis had taught school, that he was a surveyor, and was “a harmless—peacable man—minded his own business.” Moreover, Willis had married into a “respectable family” in the neighborhood. The second witness, Jacob Hyde, corroborated much of what Rodgers had stated. Hyde told jurors he had known Willis “near 20 years,” and said that Willis had sent him “a Book . . . 18 months ago.” Like Rodgers, Hyde said he had “frequently” been given other books by Willis. In reference to Willis personally, Hyde testified that he had always known him “to be [a] peacable honest quiet man,” and that he “would have trusted him for anything.” Finally, Hyde said he had “never heard Wyllys say anything of abolitionism.”⁵⁸ This testimony presented Willis as a long-time resident who had proven a peaceful, respectable, and trustworthy neighbor. Moreover, Rodgers seemed to exonerate Willis of the most serious charge, that of giving abolitionist literature to a slave. On the other hand, the admission, by both men, that they received *The Impending Crisis* from Willis supported the state’s contention that he had circulated incendiary literature.

The determination of Greenville’s leading men to have the case handled according to the forms of law carried into the trial itself, where Willis received an able defense from a prominent and respected local attorney. William King Easley, who defended him, would be elected as one of

⁵⁸ Willis Notes.

Greenville District's five delegates to the state's secession convention in December 1860. After the state presented its evidence, Easley delivered a well-crafted argument in an effort to clear Willis.⁵⁹ A reporter for the *Greenville Patriot and Mountaineer* lauded this statement as "one of the most able and eloquent appeals to which we have ever listened." Easley, he wrote, displayed "a thorough knowledge of the law of the case, combined with a philosophical analysis of the testimony, and a command over the feelings and sympathies of the audience."⁶⁰ In his address to the jury, Easley underscored the enormity of the charges and focused on the weakest aspect of the state's case, that being the need for it to prove that Willis intended to raise a slave insurrection. He appealed to prejudices against abolitionists, emphasizing the disparity between the secretive fanatic of popular imagination and the honest, but foolhardy, Willis. Easley's address to the Greenville jury confirmed the lamentable state of free expression in the late antebellum South with regard to slavery. He argued that *The Impending Crisis* was incendiary and maintained that Willis was ignorant of its contents. At no point did Easley claim that Willis, a white citizen, had the right to distribute a book on public policy to other white citizens in his neighborhood. In his statement to the jury, Easley also implied that nonslaveholders might be receptive to Helper's class-based argument.⁶¹

Easley opened by discussing the public notoriety attached to Willis and reminding jurors of their duty to consider only the evidence presented in court. He outlined the rapid growth of the Republican party in the North, from "feeble and insignificant" origins, "until now it constitutes a large majority of the people of the whole Republic." That success increased the audacity and fanaticism of the party, so that "those whom we have been accustomed to regard as brethren have sworn . . . to destroy the institution of slavery."⁶² Northern abolitionists, he said, meant to destroy

⁵⁹ Greenville Journal, 54.

⁶⁰ *Greenville Patriot and Mountaineer* in "Harrold Wyllys," *Charleston Mercury*, April 6, 1860.

⁶¹ MS address, n.d. [March 28, 1860], Folder 18 in legal size box, William King Easley Papers, SCL (hereafter cited as Willis Defense). The manuscript is 30 pages, comprising 29 pages with MS pagination at the top and writing on the back of page 21.

⁶² Willis Defense, 1.

slavery, regardless of the consequences, and they slandered the South to rest of the world. The result, Easley remarked, was that “the mere name of Abolitionist at once arouses the anger of our people.” A man like Willis, suspected of involvement in “their wicked projects,” became the object of “the wrath of the whole community.” Anyone accused of being an abolitionist in the South, Easley said, would be fortunate to “escape the first outburst of popular passion” and have his case tried by “an impartial jury.”⁶³ Willis himself had been lucky, for, at the time of his arrest, “the passions of the multitudes” ran so high that many people “talked loudly of lynching him at the nearest tree.” Although Willis survived to have his day in court, his chances of receiving a fair trial were undermined by the indiscreet public discussion of his case. Newspapers made no pretense of “calm . . . investigation,” attacking Willis “with the blackest epithets and the bitterest denunciations.” Moreover, Easley boldly reprimanded John Ashmore for referring to Willis in Congress. “Your own representative,” he told the jury, joined in the “blind fury” which gripped the public. In a venue which should instill “moderation and a regard for law, order and justice,” Ashmore denounced Willis and made him “famous as a great and desperate criminal.”⁶⁴ Because of this adverse publicity, Easley told jurors, it was “hardly possible . . . that your minds have not been . . . prejudiced against the accused.”⁶⁵ Nevertheless, he said, the jury “must have no ear but for the evidence and no . . . understanding but for the law . . . and the justice of the case.”⁶⁶ Like the committee who arrested Willis, Easley wanted the accused man’s fate decided in accordance with the law.

Easley maintained that Willis was innocent because he had not distributed *The Impending Crisis* with evil intent. The facts of the case, he argued, were inconsistent with the state’s claim that Willis circulated the book to “poison the minds of his neighbors, to make converts to his own creed, [and] to incite to insurrection your slaves.”⁶⁷ Easley’s defense focused only on the last four

⁶³ Ibid., 2-3.

⁶⁴ Ibid., 4.

⁶⁵ Ibid., 4.

⁶⁶ Ibid., 5.

⁶⁷ Willis Defense, 9.

counts of the indictment, which charged violations of the 1820 law. He read the text of “the Act of Assembly,” and told jurors Willis’s “innocence or . . . crime” in circulating the book would be determined by “the intention with which the act is performed.”⁶⁸ Easley never mentioned the first five counts, which charged Willis, under the 1805 law, with delivering a copy of the book to the slave Emanuel. His defense suggests that the first five counts were rendered nugatory earlier in the trial, perhaps by Lewis Rodgers’s testimony that he had never seen his slave Emanuel with a copy of the book. At any rate, Easley’s address to the jury centered on the question of Willis’s intent in giving copies of *The Impending Crisis* to white men in Greenville.

Easley’s treatment of Willis’s intent in circulating Helper’s book provides an instructive example of the manner in which the proslavery elite crushed out dissent. The emphasis on intent allowed slave owners to prevent the circulation of antislavery material among nonslaveholders, while arrogating to themselves alone the privilege of reading or discussing anything, no matter how incendiary. Willis’s “distribution of inflamitry writings” was not enough to convict him, Easley told jurors, “for that may be and is often innocently done.” For example, Easley noted: “These very books have been much more widely circulated by the gentlemen who arrested Willis than they had been by Willis himself.”⁶⁹ The difference was that the men who arrested Willis had circulated the book in order to condemn its arguments, while he simply handed it out, allowing readers to draw their own conclusions. Easley subsequently told the jury that the distribution of *The Impending Crisis* “may be either guilty or innocent,” depending on whether “it was moved by a guilty or an innocent mind.”⁷⁰ Where the 1805 law prohibited the circulation or public statement of antislavery sentiments, the “intent” clause in the 1820 law, reinforced by its inclusion in the act of 1859, allowed proslavery individuals to introduce such ideas for the purpose of censoring

⁶⁸ Willis Defense, 8. The text of the act is not included in Easley’s address, nor does the address state the year of the act. Easley did reiterate the state’s need to prove Willis’s “intent to disturb the peace and security of the State in relation to the slaves of the State,” a passage taken verbatim from the 1820 law. Moreover, his focus on intent shows that the act read to the jury was that of 1820, for intent was not mentioned in the 1805 law.

⁶⁹ Willis Defense, 8.

⁷⁰ Willis Defense, 14.

them. Months after Willis's trial, in August 1860, a Greenville newspaper reported that "the Hon. J. D. Ashmore. . . . read several copious extracts from Helper," to a crowd assembled at a political meeting.⁷¹ In doing so, Ashmore related Helper's ideas to many more persons than Willis had. Moreover, he violated the 1805 law, which made it a crime to "deliver publicly any inflammatory discourse, tending to alienate the affection . . . of any slave."⁷² Ashmore probably expressed Helper's ideas to slaves, as well, for the presence of slaves at such meetings concerned many citizens. In 1860, for example, the grand jury in Spartanburg District asked the legislature to "take some measures to prevent all negroes, Free negroes and Slaves from attending musters and political meetings."⁷³ Despite broadcasting Helper's ideas, Ashmore was not arrested, for the reason that he introduced the book to condemn it. Proslavery ideologues' main concern was that Helper's argument might reach nonslaveholders without their mediation.

In addressing the jury, Easley repeatedly emphasized the terrible nature of the charges against his client, reinforcing the idea that antislavery discussion would ineluctably lead to a slave rebellion. Willis, he reminded the court, stood "accused of one of the foulest and blackest crimes in all guilt's damned catalogue. . . . an attempt to sow sedition, to insite insurrection, to spread rebellion . . . and bring upon peaceful and unoffending families the deepest desolation."⁷⁴ The prosecution, Easley told jurors, believed Willis to be "a profound and malignant abolitionist," who sought "the destruction of your institutions and the ruin of your country."⁷⁵ If Willis tried to spark rebellion by handing out the book, Easley said, "how awful is the extent of his dire intent." As a long-time resident of the South, Willis understood "the full consequences of an insurrection of our slaves."⁷⁶ By handing out *The Impending Crisis* with evil intent, he would have sought to

⁷¹ "Meeting at Williamston Springs," *Greenville Patriot and Mountaineer*, August 16, 1860.

⁷² *South Carolina Acts, 1805*, 50.

⁷³ Presentment 1860-29 in S165010: Grand Jury Presentments, SCDAH. The Committee on Colored Population recognized "the evil tendency of the practice," but concluded that enforcement of existing laws would be sufficient.; Report 1860-12 in S165005: Committee Reports, SCDAH.

⁷⁴ Willis Defense, 7.

⁷⁵ Willis Defense, 9.

⁷⁶ *Ibid.*, 11.

raise “the slave in arms against his master,” a consequence “which must inevitably spring from the spread of the doctrines of this Book.” Slavery’s overthrow, “an exterminating war,” and the ruin of the South, Easley averred, was “the only and avowed purpose for which this book was written.”⁷⁷ That was, of course, an erroneous characterization of the book, for Helper’s primary goal was to induce nonslaveholders to organize politically and seek peaceful abolition. Easley mentioned the book’s appeal to nonslaveholders but only as an adjunct to servile insurrection. He described the progression by which “the Abolitionist” would effect the destruction of the South: “First he poisons the minds of the nonslaveholding whites; then the infection spreads to the blacks and gloomy discontent frowns around us.” In time, there would be “widespread and wild insurrection of the slaves.”⁷⁸ To prevent the eventuality of a slave revolt, Easley implied, the civil liberties of white nonslaveholding citizens must be limited. Willis was prosecuted for handing Helper’s book to white men, but his ostensible crime was seeking to raise a slave revolt.

Easley did not contest the alleged facts of the case, disputing only the interpretation which the state made of them. He conceded that Willis had possessed copies of *The Impending Crisis*, and “distributed some of them among some of his neighbors.” Moreover, he agreed that the book “was as inflammatory as the wildest and most unscrupulous abolitionist in Massachusetts could desire.”⁷⁹ The prosecution’s argument, however, Easley said, was “utterly incompatible with any reasonable view . . . of the facts.” He offered an alternative hypothesis, based on “the explanation which Willis gives.” This version held that a “cunning abolitionist,” who may have known Willis during his residence in the North, more than twenty years ago, sent him the books and requested that he “hand them to his neighbors.” Willis did not inspect the books to “test their character,” and never suspected them to be incendiary. “Intending no evil . . . or any violation of law,” Easley said, he gave the book to some neighbors, and was made the “unwitting dupe of

⁷⁷ Ibid., 12.

⁷⁸ Ibid., 13.

⁷⁹ Willis Defense, 9.

some cunning scoundrel at the North.” Willis, too, was a victim of devious abolitionists in this retelling of events. Easley asked jurors: “Is it not a reasonable explanation?” There was no other way, he said, to explain the distribution of such a book by their long-time neighbor, “who had never been known to utter one sentiment adverse to the institution of slavery.”⁸⁰ In support of his claim that Willis had no “wicked intent,” Easley devoted the rest of his address to a disquisition on three facets of the case: the “manner of the distribution” of the books, the “character of the men to whom the Books were given,” and Willis’s own “conduct and character” during his long residence in the area.⁸¹

The manner in which Harold Willis “distributed 6 or 8 copies of Helper’s Book among his neighbors,” Easley maintained, did not comport with “a guilty intention.”⁸² Human guilt, he argued, was invariably accompanied by the “desire to conceal itself; to walk in secret places and devious ways to erase its footprints that no clue may be left.” Willis had not been furtive, making “no effort to conceal his possession [of the books]; no effort to conceal their character and no effort to conceal the act of distribution.” In short, he circulated *The Impending Crisis*, “openly, boldly and honestly.” That was the key to Willis’s innocence, Easley said, for he easily could have distributed the books “in such a way that it could not have been known from whom they came,” and escaped punishment.⁸³ In remarks that might have unsettled his audience, Easley said there were “many modes of distribution” by which Willis could have circulated the book with anonymity. For one, he argued, it would have been “easy” to send the names of men to the publisher and have copies of the book mailed to them.⁸⁴ The section in the 1859 law requiring postmasters to report any incendiary documents sent to their office was meant to prevent such occurrences. Another way Willis might have distributed the books with “no risk of detection,” Easley said, would have been, “secretly in the night time when no human eye could detect his

⁸⁰ Ibid., 10.

⁸¹ Willis Defense, 14, 16.

⁸² Ibid., 16.

⁸³ Willis Defense, 17-18.

⁸⁴ Ibid., 18.

wicked act,” to place copies “within the reach” of his neighbors.⁸⁵ That suggestion corresponded to the account rendered by John D. Ashmore, who months earlier told Congress that Willis did his work “secretly and at the midnight hour.”⁸⁶ Ashmore was wrong, but, significantly, he shared Easley’s belief that anyone distributing antislavery literature, even to white citizens, could only do so surreptitiously. In the context of Easley’s defense, Ashmore’s erroneous claim that Willis circulated the books like a thief in the night would have been the most prejudicial element of his remarks in Congress. Easley’s treatment of this aspect of the case foreclosed the possibility that a white citizen could knowingly deliver an antislavery book to a white neighbor, without having condemned its contents, and be innocent of a crime.

In discussing the men to whom Willis gave copies of the book, Easley implied that nonslaveholders’ lack of a direct financial interest in slavery could make them receptive to Helper’s arguments. Admitting that some whites might be disaffected from slavery, he argued that Willis might have, “by adroit discourse,” found men “to some degree at least in sympathy with his actions.”⁸⁷ Instead, he showed no such discrimination and delivered some copies of the book to men who were slaveholders. If Willis intended to do harm, said Easley, he would not have given copies of *The Impending Crisis* to men “directly interested . . . in the most straight forward pecuniary way in the denunciation of that very Book.”⁸⁸ Easley left unsaid the corollary that anyone wishing to create trouble in the South would distribute the book to nonslaveholders, the aforementioned men who might sympathize with its argument. When he later referred to the “character” of the men who received the book, in order to exonerate Willis, Easley cited the fact that some owned slaves. A man intending to attack slavery, he maintained, would not have given Helper’s book to the type of men Willis had circulated it among. Easley described the recipients as intelligent, orderly, and loyal men, who would not “be deceived by . . . this book,” or “betray

⁸⁵ Willis Defense, 19.

⁸⁶ *Congressional Globe*, 36th Cong., 1st sess., 161.

⁸⁷ Willis Defense, 19.

⁸⁸ *Ibid.*, 19.

their country.” Moreover, he said, “two of them at least are slaveholders,” a characteristic which ensured their rejection of Helper’s appeal. Easley argued that slave ownership provided the best, and perhaps the only, guarantee of a person’s loyalty to the peculiar institution. Slaveholders, he said, were

bound to the institution of slavery not only by conviction of its justice and expediency and by long habits of life but by the strongest pecuniary interest, the ties of dollars and cents, ties always strong and often such is the corruption of our nature stronger than the love of truth justice or humanity or even the ties of blood.⁸⁹

Easley thus echoed the rationale of those who supported exempting slaves from debt as a means of enticing nonslaveholders to purchase bondsmen. “By placing Helper’s Book in the hands of slave holders,” he concluded, Willis showed himself to be “a born fool, or mad, or innocent.”⁹⁰ Easley claimed that Willis could have found certain men receptive to *The Impending Crisis*, but he discounted the possibility of slave owners being among them. That left his audience in the courtroom to infer that nonslaveholders were susceptible to Helper’s book and should not be permitted to read it.⁹¹

Easley concluded by telling jurors that the state’s interpretation of Willis’s actions did not fit their understanding of his “character,” gained during a residence of twenty years in the area. When a reputable man meets “evil times,” he said, people remember a “long and innocent life,” and feel “guilt is almost impossible to one so long honest and good.”⁹² Willis was such a man, having always been “a loyal citizen, a kind neighbor, and an honest man.”⁹³ If he committed this heinous crime, Easley said, Willis had concealed his true nature from everyone for decades. “Can

⁸⁹ Ibid., 20.

⁹⁰ Ibid., 21.

⁹¹ Easley considered being more explicit about the persons who would be open to antislavery ideas. On the back of page 21 of his address, he posed the question: “What class of persons would an abolitionist desiring to circulate documents for the purpose of weakening the institution of slavery seek should such a person come into our midst?” In answer, he first suggested, “ignorant men,” who “would not perhaps comprehend the practical influence which the institution exerts over all classes and the disastrous consequences which must flow to all classes from its sudden abolition.” Second, Easley proposed “bad men,” claiming that “whether they understood or no would not be likely to regard the consequences.” Because he had excluded slaveholders, Easley thus attributed these characteristics only to nonslaveholders. The author concludes that Easley decided not to pursue this digression. See Willis Defense, unnumbered (back of p. 21).

⁹² Willis Defense, 22.

⁹³ Ibid., 23.

it be possible,” he asked, “that as an Abolitionist he could have lived so many years in your midst and never during all that time . . . let fall some little word . . . indicating his real opinions[?]” To find Willis guilty, Easley told jurors, “you must attribute to him satanic wickedness and more than satanic skill and caution.”⁹⁴ Such discretion, however, was at odds with his blundering and incautious circulation of *The Impending Crisis*. The prosecution, Easley contended, asked jurors to believe that Willis was “the most reckless and imprudent of men,” in one respect, and “the most cautious of men,” in another.⁹⁵ Moreover, Willis had “no possible motive” for committing the crime, as he was married to a local woman, he lived in the area, and “all the estate he had in the world was here.” All of his interests, Easley said, led the accused to “desire the peace and prosperity” of South Carolina.⁹⁶ Nor could Willis have been motivated by “the same fanaticism” as that which prompted John Brown to attack Harper’s Ferry. Brown and his men, Easley said, were desperate characters, inured to violence by their time in Kansas, and had nothing to lose by unleashing “anarchy and civil war.” Their plan to free the slaves formed “the grand programme to the great drama they were going to play.” In comparison to that bold scheme, Easley asked, “what could poor old Willis promise himself skulking about in Greenville distributing a nasty little book[?]” Where Brown expected glory and fame, Willis could anticipate only “loss of character and loss of property and perhaps loss of life itself.”⁹⁷ Summarizing his argument, Easley maintained that all of the facts were “compatible with the assumption of innocence.” For Willis to be so foolish as to hand *The Impending Crisis* to slave owners, yet cunning enough to hide abolitionist beliefs for years, “we must conclude that he is the most imprudent and at the same time the most prudent of men.”⁹⁸ Jurors could not, Easley maintained, convict him of such a terrible crime on the basis of an inconsistent argument.

⁹⁴ Ibid., 25.

⁹⁵ Ibid., 26.

⁹⁶ Ibid., 26.

⁹⁷ Ibid., 27-28.

⁹⁸ Ibid., 28.

Following Easley's defense, the court submitted its charge to the jury, which then retired to deliberate.⁹⁹ After an unknown period of time, the jury returned the same day and delivered its verdict: "Guilty under the last two counts of the indictment."¹⁰⁰ Those two counts charged Willis, under the act of 1820, with the intent to disturb the peace and security of the state in relation to its slaves. Significantly, the final count included passages from *The Impending Crisis*, cited above, which asserted that the class interests of nonslaveholders were incompatible with those of slave owners. Willis was convicted on the basis of language meant to instill class consciousness among white nonslaveholding citizens. On the following day, Thursday, March 29, 1860, Judge J. N. Whitner sentenced Willis to one year in prison, the maximum term provided by the act of 1820. He also ruled that the fine of up to \$1,000 allowed under the statute could not be imposed, "six months having elapsed between the offence and prosecution."¹⁰¹ Willis did have to pay the costs associated with the trial, amounting to more than two hundred dollars.¹⁰² He thus suffered a considerable pecuniary loss, in addition to imprisonment and the loss of his reputation. The grand jury, however, thought the punishment was too light and recommended a more strict law.

After the trial, the *Patriot and Mountaineer* congratulated the citizens of Greenville for their forbearance and dedication to justice. It lauded the people for not immediately hanging Willis from the first tree and allowing him to be tried in court. Willis's trial, it said, "presented a remarkable contrast" to the experience of southerners in northern courts, who tried "to vindicate their rights under the Constitution" by attempting to reclaim fugitive slaves. That statement cast Willis as an outsider, despite twenty years' residence, and put the infringement of his freedom of

⁹⁹ Greenville Journal, 54. The members of the trial jury were: Wm. A. Austin, Wiley Ross, Darius Green, Jas. Mays, Wm. Anderson, Allen McDavid, M. M. Jones, H. G. Vaughn, Thos. J. Turner, Jas. McMakin, Wm. T. Dacus, and B. D. Garrison.: Greenville Journal, 50.

¹⁰⁰ Greenville Journal, 54; Willis Indictment. The outer wrapper of the indictment, in addition to containing the verdict cited, also includes the following, which was crossed out: "Guilty under the Act of 1820. Wm. A. Austin Foreman."

¹⁰¹ Greenville Journal, 54-55; Willis Indictment; *Greenville Patriot and Mountaineer* in "Court Week," *Charleston Mercury*, April 6, 1860. During the trial, Rodgers and Hyde testified that they received *The Impending Crisis* from Willis in 1858.: Willis Notes.

¹⁰² On April 2, 1860, the court issued a fieri facias instructing the sheriff to levy, upon the property of Harold Willis, the costs of prosecution of \$195.81. The fieri facias was satisfied on April 7, 1861, in the final amount of \$204.88, by levying on 130 acres of Willis's land.: Willis Indictment.

speech on a par with the denial of property rights in human beings. Willis, the newspaper said, received a “full, fair and impartial trial,” despite circumstances “well calculated to excite popular indignation, and almost sufficient to justify the people in taking summary vengeance in their own hands.” He had been given “every latitude” under the law to offer explanations “to extenuate his crime.” Although he was ably defended by his attorney, Willis “was guilty under the law, and by the law he has been condemned.” The history of the case was “highly creditable to our District,” for it showed that “our people are disposed to obey the laws under which we live.” Despite being “worried almost to the last point of endurance,” the people of Greenville were “not yet prepared to act upon the ‘higher law’ doctrines which disgrace the Northern States.”¹⁰³ With its account, the *Patriot and Mountaineer* vindicated the committee which arrested Willis to ensure that he would live to be tried. Although he did not receive the death penalty hoped for by the committee, Willis had not been lynched and his trial preserved the forms of law. It was critically important for white unity and the inhibition of class conflict, that Willis’s distribution of *The Impending Crisis* be examined and punished in a court of law, rather than by extralegal proceedings. The trial reaffirmed the unity of slave society and the inseparable interests of all whites, slaveholder and nonslaveholder alike. It imposed control over a situation in which Willis’s circulation of a class-based attack on slavery threatened to subvert the existing order. The deprivation of Harold Willis’s basic civil liberties had to be carried out under the law, in order to justify, legitimate, and reaffirm the power of the dominant slaveholding class. His case made clear who controlled the levers of power in Greenville and it set the limits of acceptable discourse.

The trial and conviction of Harold Willis did not complete the affirmation of the social order in Greenville. One last symbolic act remained, a public burning of the books which so threatened the peace and security of slave society. On March 29, 1860, the day when Judge Whitner sentenced Willis, copies of *The Impending Crisis* and other incendiary documents were

¹⁰³ *Greenville Patriot and Mountaineer* in “Harrold Wyllys,” *Charleston Mercury*, April 6, 1860. It also appeared in *Charleston Daily Courier*, April 6, 1860.

burned between the morning and evening sessions of the court. Greenville newspapers reported the event in detail, providing more information about the fiery activities outside the courthouse than they did on the legal proceedings within it. The bonfire of Willis's books, said the *Southern Enterprise*, was "one of the most important events of Court Week." It attracted a large crowd, which included not only Greenville residents, but also people from Anderson, Laurens, Pickens, and Spartanburg districts. The fire brought citizens from across the upcountry together in an act of purification and absolution. As with every other aspect of Willis's case, from his arrest to his conviction, this last act had the imprimatur of the state's legal authority. The fire occurred between court sessions, as though it were part of the official proceedings, and it burned "in front of the Court House door." Moreover, the books, which were state's evidence, "were consigned to the flames by the chief marshal of the town." This cooperation in the burning of *The Impending Crisis* epitomized the way in which South Carolina and other southern states facilitated slave owners' control of public discourse.¹⁰⁴

Public immolation of *The Impending Crisis* and other antislavery books reaffirmed the contentment of slaves and provided a cathartic release of anger toward northern abolitionists. A local slave named Bob ignited the pyre, consistent with the southern use of bondsmen to punish whites who expressed antislavery sentiments.¹⁰⁵ In December 1859, for example, Benjamin F. Perry told his wife that when a Columbia stone cutter declared himself an abolitionist, a mob seized the man and "made two negro men . . . whip him!"¹⁰⁶ By having slaves exact punishment, southern whites meant to demonstrate the happiness of bondsmen and inflict an appropriately degrading retribution on whites who were thought to favor racial equality. The account given by the *Patriot and Mountaineer* made it clear that Bob's action indicated his supposed preference for

¹⁰⁴ "Court Week," *Greenville Southern Enterprise*, April 5, 1860; "Burning Incendiary Documents," *Greenville Patriot and Mountaineer* in *Charleston Mercury*, April 6, 1860. The *Southern Enterprise* reported that, in addition to *The Impending Crisis*, "a key to Uncle Tom's Cabin and other abolition works . . . in the possession of Harrold Wyllys" were burned.

¹⁰⁵ "Burning Incendiary Documents," *Greenville Patriot and Mountaineer* in *Charleston Mercury*, April 6, 1860.

¹⁰⁶ Benjamin F. Perry to Elizabeth F. Perry, December 1859, Benjamin Franklin Perry Papers, SCL.

slavery. After the fire, Bob allegedly went to the newspaper's office and expressed regret that he did not make a speech before starting the fire. He would have said that "as freely as he applied the lighted match to the pile of combustibles . . . so freely would he have applied it to any of the enemies of the South; for . . . the man who is an enemy to the South is an enemy to my master, and an enemy to my master is an enemy to me." The remarks attributed to Bob also suggest that the burning inflicted a sort of capital punishment on Helper *in absentia*. In its report on the fire, the *Southern Enterprise* declared: "It is well for Helper or Greeley, or any other foul-mouthed abolitionist, that he was not present . . . for . . . he would have received enough information on the subject of slavery to have lasted him his life time." The bonfire also provided a surrogate for the hanging of Willis, a consummation which many angry citizens felt deprived of. A report in the *Carolina Spartan* stated: "A negro named Bob obtained permission to act as executioner." The *Southern Enterprise* employed poetic license to show that the treatment accorded to Willis's books showed the region's imperviousness to antislavery thought. It claimed that "the South wind" blew the smoke from the fire "in a most direct Northerly course." Even at this moment of community solidarity, however, that newspaper doubted neighbors' loyalties. "No Abolitionist or Black Republican was on the ground," it said, "that any one knew of."¹⁰⁷

For the community leaders who composed the Greenville District grand jury, Willis's imprisonment and the destruction of his books were not sufficient to prevent the contagion of class-based antislavery ideas from reaching nonslaveholders. Members of the grand jury had read excerpts from *The Impending Crisis* contained in the state's indictment of Willis, and they may have been present during his trial.¹⁰⁸ They were unsettled by Helper's arguments, dismayed by the ease with which Willis circulated the books, and unhappy with the penalties imposed by

¹⁰⁷ "Burning Incendiary Documents," *Greenville Patriot and Mountaineer* in *Charleston Mercury*, April 6, 1860; "Court Week," *Greenville Southern Enterprise*, April 5, 1860; "News Scraps," *Spartanburg Carolina Spartan*, April 12, 1860. The *Patriot and Mountaineer* article was also printed in *Edgefield Advertiser*, April 11, 1860. An account of Willis's conviction and the bonfire appeared in "Greenville Court," *Keowee Courier*, April 14, 1860.

¹⁰⁸ One member of the grand jury, James Lenderman, was apparently sworn in as a witness against Willis.: Willis Indictment.

existing laws. On March 29, 1860, the day on which copies of Helper's book were burned in front of the courthouse, the grand jury submitted its presentment for the spring term. In addition to a pro forma assessment of the jail and poor house, the presentment included two suggestions to the legislature. The second, prompted by the Willis case, read:

We also recommend to the Legislature the enactment of a Law making it a capital offence to publish or circulate any paper pamphlet or Book of any incendiary character calculated to produce alienation between the Slave holders, and nonslaveholders of this State.¹⁰⁹

The grand jury thus recommended a complete departure from previous legislation dealing with antislavery publications. All of the slave states had laws against the publication, circulation, and speaking of sentiments that could create discontent among slaves. In practice, however, those laws sharply restricted the ability of white citizens to read and discuss antislavery ideas, as the Willis case proved. The erosion of white southerners' civil liberties culminated in 1860, when the North Carolina Supreme Court ruled that antislavery books could not be circulated among whites because they would inevitably reach slaves.¹¹⁰ For North Carolina and other states, that principle served to keep antislavery literature out of nonslaveholders' hands. In South Carolina, perhaps because of the state's history of strict construction, explicit legislation seemed necessary. The Greenville grand jury asked for legislation to prohibit certain ideas from being read by one class of white citizens in order to protect the private interest of the slave owning class. Its fear that nonslaveholding whites might be persuaded to oppose slavery led the grand jury to propose restrictions on what they could read. When he received the presentment, Judge Whitner ordered that its recommendations be sent to Greenville's "Senator and a member of the House . . . to be

¹⁰⁹ Presentment 1860-12 in S165010: Grand Jury Presentments, SCDAH. The presentment also appeared in *Greenville Journal*, 55-56, and "Presentment of the Grand Jury," *Greenville Southern Enterprise*, April 26, 1860. Capitalization and punctuation in the latter two sources differ from the manuscript version, and both substitute the word "an" for "any" before "incendiary character." The first recommendation called for imposing a tariff on goods imported into South Carolina from members of the United States "hostile to our institutions."

¹¹⁰ Jones, *Reports of Cases at Law Argued and Determined in the Supreme Court of North Carolina, From December Term 1859, to August Term, 1860, Inclusive*, 7:492.

laid before the Legislature.”¹¹¹ The presentment is further evidence that the most troubling aspect of Willis’s circulating *The Impending Crisis*, in the minds of Greenville’s leaders, was the book’s potential effect on nonslaveholding citizens.

The most influential and powerful men in Greenville District were involved in all aspects of the Willis case. Leaders of the community arrested Willis, defended him in court, and formed the grand jury that submitted the presentment to the legislature. On November 17, 1860, after Lincoln’s election, Greenville residents held a public meeting to nominate a secessionist ticket for the upcoming state convention. The *Patriot and Mountaineer* reported “a large attendance of the representative men of the District” at the meeting.¹¹² Shortly after it convened, the meeting appointed sixty-seven men as “Vice-Presidents.” While the title did not seem to grant any power, conferring it was a mark of esteem, as indicated by the fact that congressman John D. Ashmore was appointed. Among those sixty-seven vice-presidents were six members of the grand jury, the president of the vigilance committee that arrested Willis, and a man summoned, but not sworn as a witness.¹¹³ The meeting was addressed by William K. Easley, one of Willis’s attorneys and the man who delivered the defense’s argument in court. More important than the vice-presidents was a committee of twenty-seven men, “appointed to nominate suitable candidates for . . . the State Convention.” On the committee were three members of the grand jury, a member of the vigilance committee, one man sworn as a witness, and two men who were summoned, but not sworn, as witnesses.¹¹⁴ The committee nominated five candidates, including defense attorney William Easley, and Perry E. Duncan, who was summoned, but not sworn as a witness.¹¹⁵ This slate of

¹¹¹ Greenville Journal, 56. Whitner described the recommendation as calling for “more stringent laws for the suppression of the circulating of incendiary publication[s].”

¹¹² “The Meeting on Saturday,” *Greenville Patriot and Mountaineer*, November 22, 1860.

¹¹³ The grand jury members were foreman J. L. Westmoreland, Col. W. McNeely, Maj. S. A. Townes, Rev. J. C. Green, Nelson Austin, and Rev. Jas. Lenderman; the president of the committee was Dr. A. B. Crook; the man summoned but not sworn was Col. E. S. Irvine.

¹¹⁴ The grand jury members were Wm. McNeely, foreman J. L. Westmoreland, and L. Williams; the member of the vigilance committee was Rev. T[homas] S. Arthur; the sworn witness was R. B. Duncan; and the two men summoned, but not sworn, were P. E. Duncan and E. S. Irvine.

¹¹⁵ “District Meeting,” *Greenville Patriot and Mountaineer*, November 22, 1860. This source notes Easley’s speech and lists the sixty-seven vice-presidents, the twenty-seven committee members, and the five candidates for the convention.

delegates triumphed on election day, polling more than 1,300 votes, compared to 225 for the unionist ticket headed by Benjamin F. Perry.¹¹⁶ Community leaders who discovered Willis's heresy and conducted his trial represented their district at the convention that removed South Carolina from the Union. The recommendation in the grand jury's presentment to forbid the circulation of literature intended to create class consciousness among nonslaveholders was the consensus of the "representative men" of Greenville.¹¹⁷

The Bill to Prohibit Antislavery Appeals to Nonslaveholders

In his opening message to South Carolina lawmakers, delivered on November 27, 1860, the second day of the regular session, Governor William H. Gist called for legislation to expedite the punishment of abolitionists in the state.¹¹⁸ To keep the public from lynching offenders, Gist suggested "a law, punishing summarily and severely, if not with death, any person that circulates incendiary documents, avows himself an abolitionist, or . . . attempts to create insubordination or insurrection among the slaves." Gist's recommendation shared important points with that of Greenville's grand jury. His reference to incendiary documents could encompass books directed at nonslaveholders, and his call for punishing individuals who merely declared themselves to be abolitionists conformed to the grand jury's desire to restrict white citizens' civil liberties. Gist was more subtle than the grand jury, however, making no explicit reference to nonslaveholders. Nevertheless, the adoption of his advice would have facilitated the quick punishment of persons circulating *The Impending Crisis*. Explaining his rationale, Gist echoed one of the main concerns of the committee which arrested Harold Willis: the imperative of punishing antislavery heretics under the law. Without some legislation, he warned, "the people, goaded to madness . . . will not, under excitement, be very careful in measuring the punishment they inflict." Gist worried that

¹¹⁶ *Greenville Southern Enterprise*, December 13, 1860, cited in Ford, *Origins of Southern Radicalism*, 369.

¹¹⁷ "The Meeting on Saturday," *Greenville Patriot and Mountaineer*, November 22, 1860.

¹¹⁸ The legislature convened in special session from November 5–13, 1860. It met to cast the state's electoral votes and remained in session to await the result. When Lincoln's victory became apparent, the legislature provided for holding a state convention and passed some emergency measures.

“the innocent may suffer with the guilty,” and that “scenes of violence and blood-shed” would become frequent in the state. Such demonstrations threatened to spark contempt for the legal and political system which undergirded wealthy slaveholders’ domination of the state. With a law in place to “reach the cases” he specified, Gist said, the people would allow the courts to judge and punish offenders. “In most cases their decision will be satisfactory,” he said, and will thus restore people’s confidence in their rulers.¹¹⁹ When he recommended this additional legislation to meet the danger posed by the distribution of incendiary publications, Gist was familiar with the Willis case and *The Impending Crisis*. The committee that arrested Willis sent him a copy of Helper’s book and almost certainly included a letter detailing their activities.¹²⁰ By recommending action in his opening message, Gist helped create a favorable climate in the legislature for the reception of the Greenville presentment.

On November 28, 1860, the day after Gist’s message, the *Lancaster Ledger* printed an article entitled “Persecution,” which favored restricting white citizens’ freedom of speech. This unattributed piece elaborated a rationale, in terms of the social compact, for imposing the type of censorship recommended by Governor Gist and the Greenville grand jury. Written in the context of the forthcoming election for delegates to the state convention, the article clearly referred to speech intended to create opposition to slavery among nonslaveholders. “Persecution” buttressed the hegemony of the slave owning class by describing its private interest as synonymous with the public interest.¹²¹ The article culminated a year in which the *Lancaster Ledger*, like many other newspapers, devoted considerable attention to *The Impending Crisis* and the loyalty of southern nonslaveholders. In December 1859, it printed a submission stating that Helper’s book “looks forward to a struggle between master and slave and non-slaveholders of the South.”¹²² When the

¹¹⁹ *Journal of the Senate of South Carolina: Being the Sessions of 1860* (Columbia, S.C.: R. W. Gibbes, 1860), [Annual Session] 15 (hereafter cited as *South Carolina Senate Journal, 1860*).

¹²⁰ A. B. Crook to Benjamin F. Perry, December 4, 1859, Benjamin F. Perry Papers, ADAH, mfm at SCDAH. Crook told Perry that a copy of *The Impending Crisis* was “in the hands of Governor Gist.”

¹²¹ “Persecution,” *Lancaster Ledger*, November 28, 1860.

¹²² *Lancaster Ledger*, December 21, 1859.

legislature passed a new law against incendiary documents later that month, the *Ledger* printed the act and a brief commentary on it.¹²³ In April 1860, it covered Lovejoy's congressional speech, which declared Republican intentions to win the support of southern nonslaveholders.¹²⁴ During the fall it printed an account of the letter by reputed abolitionist W. H. Bailey, found in Texas, which mentioned distributing Helper's book.¹²⁵ After Lincoln's election, it carried an editorial from the *Charleston Mercury*, which denied any "antagonism between the slaveholders and the non slaveholders of the South."¹²⁶ Readers of the *Ledger* knew of the antislavery appeals directed at nonslaveholders and they understood the allusions contained in "Persecution."

"Persecution" asserted a disparity between free thought and free expression, maintaining that abuses of the latter were liable to punishment. Penalizing someone because of their beliefs would be oppressive, but "the evil of persecution does not obtain when a man suffers on account of *language or conduct* of an improper character." A person's speech and actions, it contended, were "facts . . . the character and tendency of which can be safely inferred." Government had every right to "impose certain restrictions on the liberty of *speech* and hold persons amenable when these are disregarded." The article explained, in Lockean terms, that persons agreeing to the "social compact" necessarily surrendered "certain individual rights" for the good of society. If individuals did not concede some of their natural rights, government could not be maintained. Employing a characteristically southern philosophy, it declared that "liberty" was not the right to do as one pleased, that was merely "licentiousness." True liberty was the "privilege of doing what *ought to be done*." In terms of speech, no one had the right to use obscene language which annoyed others, no professor the right to teach "unsound principles" to students, and no "prurient enthusiast" the right to disturb "a congregation assembled to worship God." More important than

¹²³ "An Act to provide for the Peace and Security of the State," "Recent Acts," *Lancaster Ledger*, January 18, 1860.

¹²⁴ "Abolition Harangue of Mr. Lovejoy—Intense Excitement," "Almost a general Fight in Congress," *Lancaster Ledger*, April 18, 1860.

¹²⁵ "How the South is to be Subjugated," *Lancaster Ledger*, October 10, 1860.

¹²⁶ "Slaveholders and Non-Slaveholders of the South," *Charleston Mercury* in *Lancaster Ledger*, November 14, 1860.

preserving etiquette and decency, though, was denying a person's right to use "expressions that would tend to foment strife and discontent in any class of the community, and incite to conduct that would peril the public or individual safety."¹²⁷ In this formulation, any critical discussion of slavery by white citizens was not only similar to vulgar or intemperate speech, it threatened the safety of all society.

The argument of "Persecution" essentially placed substantive debate over the benefits of slavery outside the bounds of permissible speech. In terms of individual rights to be ceded for the good of society, slave owners' property rights were sacrosanct, while the majority's right to free speech was expendable. The article deemed slaveholders' class interest to be commensurate with the common good, and warned critics to keep their ideas to themselves. It asserted:

Every man has the right to form and entertain opinions. . . . No man has the right to disturb the public peace, or jeopard the public interest. He may entertain his principles, but it is not his privilege to use them to the injury of society, His thoughts are confined to himself. . . . But *expressions*. . . . extend to others, and may excite passions and engender animosities that would fill the land with violence.

White citizens who opposed slavery and thought it detrimental to their society were forbidden from trying to convince others; the very lifeblood of political activity was denied them. Slavery, which affected every southerner, was defined as a permanent feature of society and not a question of public policy. In order to protect itself against improper speech, the public must "extinguish firebrands . . . and not only cut down but also dig up all trees that bear corrupt fruit." The article implied that any disagreement over slavery between classes of the white population would lead to a slave revolt. For that reason, censorship of antislavery speech was required and justified by the individual's "surrender of as much natural right as is necessary to secure the greatest good to the whole." Slave owners' right to hold property which threatened society was unquestioned, and important civil liberties were sacrificed to protect them in doing so.¹²⁸

¹²⁷ "Persecution," *Lancaster Ledger*, November 28, 1860.

¹²⁸ "Persecution," *Lancaster Ledger*, November 28, 1860.

“Persecution” revealed that the speech it was most concerned with was that which told nonslaveholders that slavery was inimical to their interests. Continuing to argue in terms of the social compact, it claimed: “Our laws especially claim obedience because they are based on such humane and benevolent principles.” In the slave states, it maintained, the only class favored by government “is the *poor*.” The article described the manner in which the state furthered the well-being of the nonslaveholding poor:

They enjoy the privileges of government, and their burdens are so light as scarcely to be felt. The taxes are so wisely and humanely apportioned that the slaveholder bears the burden. . . . often for one week’s service [road duty] he receives out of the public coffers more than he pays in for 15 or 20 years. His children are educated gratuitously. . . . He may aspire to, and often attains the highest distinctions recognized by the people.

Any nonslaveholder who failed to appreciate this condescending bounty and decided to criticize the master class would be lacking in character. “If such an individual,” the article said, “should sow the seeds of discord in the minds of any class of the community, it would entitle him to the stigma of base ingratitude.” By telling other nonslaveholders that slavery might be detrimental to their welfare, that individual would “exhibit a heart totally devoid of social duty, and fatally bent on mischief.” Such a person could be forced “to leave his country for his country’s good,” for South Carolina had no place for a nonslaveholder who tried to instill class consciousness in his peers. “Persecution” claimed that censorship was a last resort, that it was better to “aim our efforts at the minds and hearts of freemen.” Opponents of slavery in the South, however, could not appeal to their neighbors in that fashion, their arguments were proscribed. If they persisted in expressing antislavery sentiments, the article concluded, the state would use “such punishments and preventive inflections as public and individual safety may demand.”¹²⁹ “Persecution” set out a rationale for censoring antislavery arguments directed at nonslaveholders, and it showed that the concerns motivating the Greenville presentment were salient in other parts of the state.

¹²⁹ “Persecution,” *Lancaster Ledger*, November 28, 1860.

Greenville lawmakers submitted the recommendation of their district's grand jury to both houses of the General Assembly on November 29, 1860. In the Senate, T. Edwin Ware offered a presentment "in relation to publication of incendiary books," which went to the Committee on the Judiciary.¹³⁰ From that time, however, the Senate appears to have taken no further action on the matter.¹³¹ In the House, John W. Stokes, one of four representatives from Greenville District, submitted the presentment, described in the official journal as suggesting "a law making it a capital offence to publish or circulate paper, pamphlet, or book, of an incendiary character." The House referred the measure to its Committee on Colored Population.¹³² It was an odd choice, for that committee dealt with legislative business relating to slaves and free blacks in the state. The presentment, though, was meant to restrict whites' civil liberties, and slaves were involved only insofar as they formed the subject of the forbidden literature.¹³³ In the South Carolina legislature, as in those of other states, a committee's report often determined the fate of proposed legislation. A favorable report did not guarantee passage of a bill, but it ensured that the measure would at least receive a fair hearing, particularly when the committee was chaired by a respected member. The chairman of the Committee on Colored Population was John Harleston Read, Jr., of Prince George Winyah Parish, on the seacoast.¹³⁴ A rice planter, one of the wealthiest men in the state, and a member of an old and influential family, Read had been in the House for twenty years.¹³⁵ In 1860, he had chaired that important committee for at least ten years, a fact which showed the

¹³⁰ *South Carolina Senate Journal*, 1860, 36.

¹³¹ The index to the *Senate Journal* gives no indication that the committee reported on the presentment. The author's search of Record Series S165005: Committee Reports, in the On-Line Records Index of the SCDAH found no report, and an examination of the manuscript committee reports for the 1860 session also failed to locate a report.

¹³² *South Carolina House Journal*, 1860, 51.

¹³³ Like the Senate, the House had a Committee on the Judiciary, which would seem to have been a more appropriate choice for the reference. The author can only speculate on the reasons for the decision. One possibility is that members, hearing that the presentment referred to incendiary documents, reflexively chose the Committee on Colored Population. A second is that its chairman, John Harleston Read, Jr., who favored the presentment's suggestion, worked behind the scenes to have it referred to his committee, so that he could introduce a bill.

¹³⁴ The other members (and their district or parish) were: Edward C. Whaley (St. John Colleton), Henry H. Harper (Abbeville), John E. Carew (St. Philip & St. Michael), Samuel W. Nelson (Clarendon), Thomas G. Lamar (Edgefield), James M. Eason (St. Philip & St. Michael), Ralph E. Elliott (St. Paul), and Richard T. Morrison (St. James Santee).: *South Carolina House Journal*, 1860, 24; Edgar, ed., *Biographical Directory of the South Carolina House of Representatives*, 1:382-385.

¹³⁵ *Cyclopedia of Eminent and Representative Men of the Carolinas of the Nineteenth Century*, vol. 1, *South Carolina* (1892; reprint, Spartanburg, SC: Reprint Company, 1972), 418.

House's approval of his stewardship.¹³⁶ Read lent his stature and the committee's imprimatur to a bill that would have censored the speech and reading material of white citizens.

On December 6, 1860, Read presented, on behalf of the committee, a favorable report on the Greenville presentment. To enact its recommendation of proscribing literature intended to create dissatisfaction among nonslaveholders, he introduced "A Bill to provide for the peace and security of this State," which passed its first reading.¹³⁷ The bill does not seem to have survived, making it impossible to be certain of its exact language.¹³⁸ Other evidence, however, allows a complete reconstruction of this extraordinary piece of legislation. First is the presentment itself, which suggested a law against documents "calculated to produce alienation between . . . Slave holders, and nonslaveholders."¹³⁹ Second, and most significant, is Read's declaration that the bill's provisions were similar to those of the 1859 law regarding incendiary documents. When the House debated the bill on January 12, 1861, Read said: "It is exactly the same language and almost the identical words, as the Bill passed at the last session in reference to tampering with slaves by Abolitionists and incendiaries." The new measure, he explained, was designed to meet the case of "persons undertaking to excite the minds of those who were not slaveholders against those who were slaveholders."¹⁴⁰ He repeated those statements on January 14, when the House

¹³⁶ Read wrote Report 1850-48 in S165005: Committee Reports, SCDH. Its date was December 17, 1850.

¹³⁷ *South Carolina House Journal*, 1860, 118. The bill was variously titled either "A Bill to provide for the peace and security of this State," *South Carolina House Journal*, 1860, 118, 336, 462; "South Carolina Legislature," *Charleston Daily Courier*, January 14, 1861; "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861; or "A Bill further to provide for the peace and security of this State," *South Carolina House Journal*, 1860, 324; "Legislature of South Carolina," *Charleston Mercury*, January 14, 1861; "Legislature of South Carolina," *Charleston Mercury*, January 15, 1861. It was also described as "a bill to increase the public safety," in "Legislature of South Carolina," *Columbia Tri-Weekly Southern Guardian*, December 8, 1860.

¹³⁸ The author examined all of the manuscript bills for 1860 and 1861 in Record Series S165001: Acts, Bills and Joint Resolutions without success, and believes that the bill has not survived or that it reposes in unprocessed records at the SCDH. The author also searched the files of several newspapers, without success, in hopes of finding the bill's text.

¹³⁹ Presentment 1860-12 in S165010: Grand Jury Presentments, SCDH.

¹⁴⁰ "South Carolina Legislature," *Charleston Daily Courier*, January 14, 1861. The *Charleston Mercury* reported the two cited passages as follows: "It [is] exactly the same, and almost identical in language, with the bill passed at the last session of the Legislature in reference to tampering with slaves on the part of Abolitionists." "The reason why this bill was introduced was . . . that there was not sufficient legislation against those who undertake to incite the minds of those who are not slaveholders against those who are." See "Legislature of South Carolina," *Charleston Mercury*, January 14, 1861.

again discussed the bill.¹⁴¹ The previous session's law which Read alluded to was the "Act to provide for the Peace and Security of this State," passed in December 1859.¹⁴² Its provisions are known and, by inferring changes to it, the text of the 1860 bill, censoring critiques of slavery directed at nonslaveholders, may be closely approximated.

The 1859 law comprised five sections, each of which had a counterpart in Read's bill. Every section of the law will be covered in turn, with the inferred alterations substituted where necessary. The first section of the 1859 act declared:

If any person . . . shall with evil intent, write, print, paint, draw, engrave, or cause to . . . be written, printed, painted, drawn or engraved, any letter, book, essay, pamphlet, newspaper, words or word, picture, figure or cypher whatsoever, calculated to disaffect any slave or slaves in this State, or tending to incite any insurrection or disturbance among the same, such person . . . on conviction, shall be fined and imprisoned in the discretion of the Court.¹⁴³

In light of Read's statements, his bill is presumed to have reproduced that passage and replaced the phrase "disaffect any slave or slaves in this State, or tending to incite any insurrection or disturbance among the same," with "create a feeling of alienation between slaveholders and non-slaveholders in this State."¹⁴⁴ The first section of his bill, then, would have read:

If any person . . . shall with evil intent, write, print, paint, draw, engrave, or cause to . . . be written, printed, painted, drawn or engraved, any letter, book, essay, pamphlet, newspaper, words or word, picture, figure or cypher whatsoever, calculated to [create a feeling of alienation between slaveholders and non-slaveholders in this State,] such person . . . on conviction, shall be fined and imprisoned in the discretion of the Court.¹⁴⁵

This section, forbidding the creation of documents meant to spark class conflict, conformed to the Greenville grand jury's desire to prohibit such literature. By using the 1859 law as a model,

¹⁴¹ "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861.

¹⁴² *South Carolina Acts, 1859*, 768-769.

¹⁴³ *South Carolina Acts, 1859*, 768.

¹⁴⁴ The phrase "create a feeling of alienation between slaveholders and non-slaveholders," is taken verbatim from Read's statements in the House on January 14, 1861: "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861. The concluding words "in this State," maintain consistency with the 1859 act. The inferred revision is similar to the language of the Greenville presentment, which called for prohibiting literature "calculated to produce alienation between the Slave holders, and nonslaveholders of this State.": Presentment 1860-12 in S165010: Grand Jury Presentments, SCDAH.

¹⁴⁵ The bracketed text denotes the inferred revision of the 1859 act.

however, Read did not provide for capital punishment of offenders, as the presentment asked.

Section two of the 1859 act prohibited the circulation of incendiary documents. Any person who

shall, with evil intent, publish, circulate, distribute, vend or give, or cause . . . to be published, circulated, distributed, vended or given, any matter in the foregoing section mentioned . . . shall, on conviction . . . suffer the same penalties . . . provided in the first section of this Act.¹⁴⁶

This second section could have been reproduced without any change, as the phrase “any matter in the foregoing section mentioned,” made the alteration in the first section apply to it. Section two would have prohibited the circulation of literature meant to instill antislavery sentiment among nonslaveholders. It would have provided for punishing Harold Willis’s crime, without resort to the expedients used in his case.

The third section of the 1859 act prohibited speech intended to create discontent among slaves. This section, like the first, included the phrase “disaffect any slave or slaves in this State, or tending to incite any insurrection or disturbance among the same.” Read’s bill is presumed to have replaced those words with the aforementioned phrase relating to nonslaveholders. With that alteration, the third section of his bill would have read:

If any white person . . . shall, with evil intent, utter, speak, repeat, recite or rehearse any language, phrase, words or word calculated to [create a feeling of alienation between slaveholders and non-slaveholders in this State;] such person shall . . . suffer the penalties . . . provided for in the first section.¹⁴⁷

This section of Read’s bill would have codified state censorship in support of the hegemony of the slaveholding class. White citizens would have been prevented from criticizing the dominant economic institution and the private owners who benefited from it. In keeping with the argument of “Persecution,” substantive debate over slavery would be impossible, for it would be a criminal act. Section three most clearly demonstrates slave owners’ desire to control the very thoughts of nonslaveholders, for it could in no way be justified by the need to keep slaves under control.

¹⁴⁶ *South Carolina Acts, 1859*, 768.

¹⁴⁷ This passage, with the exception of the change indicated above, comes from the act in *South Carolina Acts, 1859*, 768. The bracketed text denotes the inferred revision of the 1859 act.

Unlike a document, speech is evanescent and, unless uttered in the presence of slaves, could not spark discontent among them. Read would have made it illegal for one white man to tell another that slavery benefited only the master class.

Section four of the 1859 act prohibited individuals from receiving printed material likely to produce disaffection among slaves, if done with the intent of circulating the material. This, too, is presumed to have been changed in the same fashion as the first and third sections. The fourth section of Read's bill, so altered, would have read:

If any white person . . . shall . . . receive any newspaper, book, periodical, pamphlet, or other printed, painted or engraved paper, picture or representation . . . calculated to [create a feeling of alienation between slaveholders and non-slaveholders in this State,] and such . . . receiving of the same, shall be done . . . with a view to distribute, circulate, vend or give the same with evil intent, such person . . . on conviction, shall suffer the same penalties . . . prescribed in the first section.¹⁴⁸

This section did not impose penalties on individuals who only received such documents and did not plan to circulate them "with evil intent." The next section prohibited, but did not criminalize, the reception of incendiary literature in the mail, even if it were to be read only by the recipient. Section five of the 1859 act required postmasters to enforce a blockade on the transmission of antislavery publications through the mail. Like section two, it did not contain language explicitly referring to slaves, citing only the type of matter described in section one. It declared:

If any Postmaster . . . shall know that such matter as is mentioned in the first section . . . has been received at his office, in the mail, he shall give notice thereof to some Magistrate, who . . . shall have such matter burned in his presence, and if it appears to him that the person or persons to whom it was directed . . . agreed to receive it for circulation with evil intent, he shall . . . deal with him . . . in conformity to this Act.¹⁴⁹

The insertion, in the first section of Read's bill, of language referring to nonslaveholders, would have changed the meaning of this section in his bill, and enjoined postmasters and magistrates to destroy mail that tended to cause alienation between slaveholders and nonslaveholders. Section five of Read's bill would have required the destruction of Republican campaign literature, many

¹⁴⁸ This passage, with the exception of the change indicated above, comes from the act in *South Carolina Acts, 1859*, 768. The bracketed text denotes the inferred revision of the 1859 act.

¹⁴⁹ *South Carolina Acts, 1859*, 768-769.

northern newspapers and periodicals, and even the *Congressional Globe*. Read's conscription of postmasters to suppress ideas which might arouse class awareness among nonslaveholders sheds light on southerners' concern about Lincoln's use of patronage. Proslavery ideologues worried that Republican postmasters in the South would deliver mail which included arguments directed at nonslaveholders.

The most complete newspaper report of Read's bill corroborates the description of it in the foregoing paragraphs. In its account of the proceedings of December 6, 1860, the *Southern Guardian* noted that Read "reported a bill to increase the public safety, in the suppression of the circulation of incendiary documents." The account did not specify the bill's focus on literature directed at nonslaveholders, but it described the various sections. It said the first two sections prohibited "circulating . . . printing or writing such [incendiary] documents." The report also discussed the fourth section, noting that, "if anyone shall subscribe to incendiary papers, he shall be subject to punishment." Finally, it referred to the fifth section, stating, "the bill also provides for giving authority to postmasters to burn incendiary matter." The *Southern Guardian* did not cite the prohibitions on speech in the third section of Read's bill.¹⁵⁰

The adoption of Read's bill would have created two castes among the white citizens of South Carolina. In one, persons could read and speak what they wished, and in the other, they could not. The lines between these castes would have been drawn by class and, most important, adherence to proslavery ideology. Nonslaveholders would have been prevented from hearing or reading anything which asserted that their interests were not necessarily those of the hegemonic slaveholding class, unless it was presented in a context of ridicule or condemnation. The "evil intent" clause, so important to the disposition of the Harold Willis case, meant, practically, that only opponents of class-oriented attacks on slavery could read or discuss those doctrines. John D.

¹⁵⁰ "Legislature of South Carolina," *Columbia Tri-Weekly Southern Guardian*, December 8, 1860. Although this report does not conclusively demonstrate the accuracy of the inferences made about Read's bill, it is entirely consistent with them.

Ashmore, who read parts of *The Impending Crisis* to a public meeting, would have been as free from prosecution under Read's bill as he was before it. The argument of *The Impending Crisis* could only have been printed or discussed in situations where it was refuted and criticized, as done by Ashmore and by many newspapers. Any instance where such ideas were presented to nonslaveholders in a positive, or even a neutral context, would have fallen under the rubric of "evil intent." All of the foregoing developments, however, would only have codified prevailing conditions. Harold Willis was convicted and imprisoned without Read's bill, and other persons trying to circulate Helper's book could have been suppressed without it as well. This attempt to explicitly prohibit appeals to nonslaveholders revealed a deep and abiding concern about the loyalties of that class. Given South Carolina's prominence in the secession movement, this need to impose censorship was an important element in the deep South's decision to leave the Union.

After a considerable delay, the House discussed the measure over the course of two days in January 1861. Read's principal antagonist in the debate, which received extensive coverage in the *Courier* and the *Mercury*, was, like him, a wealthy rice planter.¹⁵¹ Plowden C. J. Weston, one of two other representatives from Read's own parish of Prince George Winyah, sharply criticized the bill and tried to table it. Weston was serving his second term in the legislature, having been a representative for All Saints Parish from November 1856 through December 1857.¹⁵² The time between the bill's introduction on December 6, 1860, and the legislature's resumption of its consideration on January 12, 1861, constituted an epoch in the history of South Carolina and the Union.¹⁵³ During that interim, the state convention met in Columbia on December 17, moved to Charleston due to fears of smallpox, and unanimously voted for secession on December 20. The legislature adjourned on December 22 and reconvened on January 3, 1861, also in Charleston.¹⁵⁴

¹⁵¹ "Legislature of South Carolina," *Charleston Mercury*, January 14, 1861; "South Carolina Legislature," *Charleston Daily Courier*, January 14, 1861; "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861. In general, the newspapers reported only a select fraction of the debates in their coverage of the legislature.

¹⁵² Edgar, ed., *Biographical Directory of the South Carolina House of Representatives*, 1:374, 384.

¹⁵³ *South Carolina House Journal*, 1860, 118, 324, 462.

¹⁵⁴ Reynolds and Faunt, *Biographical Directory of the Senate of the State of South Carolina*, 58.

By January 12, Alabama, Florida, and Mississippi had also seceded from the Union. Moreover, Charleston was still abuzz over the violent repulse, on January 9, of the merchant vessel *Star of the West*, loaded with troops and supplies intended for Fort Sumter.

When the bill had its second reading before the House on Saturday, January 12, 1861, Weston objected strongly, claiming its enactment would “introduce into the State a very singular inquisition.” Such a law, he argued, would “expose every man in the State to a constant system of surveillance.” It would prohibit residents from receiving “English and French papers and pamphlets, or anything from the North,” and impose “heavy fines” on violators. Weston told the House that he, personally, might not own “property enough” to pay the fines, having “several hundred pamphlets in his library upon this subject.”¹⁵⁵ That assertion was disingenuous for, as the examples of Ashmore and many newspapers demonstrated, proslavery men could possess and even proclaim the arguments of *The Impending Crisis*, so long as they condemned them.¹⁵⁶ A rich planter like Weston would not have been troubled by this bill, unless he circulated a book like Helper’s without attacking it. Read’s bill was meant to ensure that *The Impending Crisis* and similar books would not reach their target audience of nonslaveholders without the mediation of the proslavery elite. Weston concluded his initial remarks by describing the measure as “the most extraordinary Bill that had ever come before this House.” He then tried to kill it by moving that it be tabled.¹⁵⁷

Read was unwilling to have his bill set aside without a fight and defended it in a manner which revealed the profound anxiety that many slave owners felt about nonslaveholders’ loyalty. He objected to Weston’s characterization of the bill, emphasizing its similarity to the 1859 law,

¹⁵⁵ “South Carolina Legislature,” *Charleston Daily Courier*, January 14, 1861.

¹⁵⁶ As noted above, in August 1860, Ashmore “read several copious extracts from Helper” to a crowd at a political meeting: “Meeting at Williamston Springs,” *Greenville Patriot and Mountaineer*, August 16, 1860. In December 1859, around the time of Willis’s arrest, newspapers across the state excerpted parts of *The Impending Crisis* without trouble. The *Keowee Courier*, for example, printed the main points of Helper’s plan, including his call for “independent political action on the part of the non-slaveholding whites of the South.” The *Courier* could do so because it characterized Helper’s book as “incendiary and treasonable.”: *Keowee Courier*, December 24, 1859.

¹⁵⁷ “South Carolina Legislature,” *Charleston Daily Courier*, January 14, 1861.

which had been “considered by the Legislature and regarded as . . . good and proper.” Read believed his bill’s substitution of publications directed at nonslaveholders for those meant to cause unrest among slaves was an accretion to existing law, and not an attack on civil liberties. As to the reasons for the bill, Read explained “there [is] not sufficient provision in reference to that difficulty, which in times like this it [is] necessary to meet.” The “difficulty” was that some people were trying to turn nonslaveholders against slave owners. Read alluded to *The Impending Crisis*, saying: “It [is] well known that a book had been written . . . the object of which [is] to poison the minds of those who do not hold slaves against those who do.” Like the congressmen who attacked it during the Speaker fight, Read understood that Helper’s book was not meant to cause a slave rebellion. The book, he said, was written to “induce . . . non-slaveholders to believe that they had no interest in the preservation of slavery.” As Read said, in “times like this,” when the state would soon need nonslaveholders to fight for slavery, such ideas could not be allowed to circulate. “Such books” as Helper’s, he maintained, “were calculated to produce discussion and excitement; calculated to be injurious to our country.” Discussion and excitement are the hallmarks of democracy, but, for Read, they had to be restricted to maintain nonslaveholders’ support for slavery. Some of the men who led South Carolina were as worried about the internal threat to slavery as they were about that posed by the North. Read warned his colleagues that Helper’s class-based attack, unless interdicted, could “raise in arms an enemy who might be the most injurious to the cause of our country.” He admitted that the bill might not be perfect but asked the House to give it fair consideration. “It [is] necessary,” Read concluded, “to provide against that which might prove to be a very dangerous element in our midst.”¹⁵⁸ At the very inception of South Carolina’s independence, the state considered imposing censorship on the majority of its white citizens.

¹⁵⁸ Ibid.

Weston then clarified and elaborated his objections to the bill, expressing confidence in slavery's ability to sustain criticism. He placed "faith in public discussion" and would defend, "against any contrary opinion, from whatever quarter," his belief that slavery was "one of the most reasonable and beneficent institutions in the world." Weston noted the essential difference between Read's bill and the 1859 law, saying that although he would "certainly . . . oppose the circulation of such documents among negroes; among white persons . . . he had no objection for any argument against slavery." He claimed to be unconcerned by white southerners reading antislavery literature, because slavery's advocates "could bring stronger arguments to overthrow that of the opponents of slavery." Weston declared his willingness to accept Helper's challenge to openly debate the merits of slavery. "Truth," he asserted, "did not require laws passed to prevent free discussion." If everything were "freely discussed," Weston maintained, "in all cases, slavery would be triumphant."¹⁵⁹ That philosophy would have allowed Willis to go free, for he had given Helper's book to white men only. Weston could afford a liberal stance, as the laws against giving incendiary literature to slaves had already been used to keep *The Impending Crisis* from whites. He contended with a straw man of his own making, for the ability of white men to read what they liked, as Harold Willis well knew, was already restricted without Read's bill. Weston renewed his motion to table the bill, but Henry Buist gained more time for it. Buist claimed "the intention of the Bill . . . was regarded favorably by the House," and said "quite a number of members" wanted time to "examine the provisions." Consequently, he moved that the bill be printed and made the special order for Monday, January 14, which the House agreed to.¹⁶⁰

In stating his reasons for opposing the bill, Weston remained consistent with positions adopted earlier in his public life. His critique of the measure comprised three main points: first, that antislavery ideas should be kept from slaves, but not from white people; second, that he

¹⁵⁹ Ibid.

¹⁶⁰ Ibid. Buist represented St. Philip's and St. Michael's Parish.

claimed to favor a free and open discussion of slavery; and third, that proslavery men wielded arguments superior to those of the institution's detractors. On the first point, Weston had joined forty-three "Residents of Georgetown & of the neighborhood," in asking for legislation against persons who used language meant to create unhappiness among slaves. Their undated petition suggested that "the uttering in our midst of seditious words, intended, or calculated to render our Slave population, disaffected, be made . . . punishable by severe penalties."¹⁶¹ This suggestion was in keeping with the entire body of slave state legislation on this subject, in that it specified only ideas meant to cause unrest among slaves. Such a law could have been used against persons speaking antislavery sentiments to other white men, without the overt provisions of Read's bill.

In a speech delivered on May 4, 1860, Weston related his belief in free discussion, the basis of his second objection to Read's bill. Using terms that a rich slave owner might apply to a nonslaveholder, he asked: "What real dependence can be placed upon the virtue of a very ignorant man, whose stability is . . . a sort of quiet, stolid, brutishness?" One implication of his question was that slave owners could best ensure nonslaveholders' loyalty by giving them all of the arguments on either side of the slavery issue. "In a mind that knows little," he warned, "small things have an immense influence."¹⁶² Rather than suppress *The Impending Crisis* and take the chance that a nonslaveholder coming upon it might be swayed by its claims, the champions of slavery should publicize, and explain the faults of, its critique. Support for the institution would be insecure unless it resulted from thoughtful investigation. In words particularly appropriate to slavery in the South, Weston said: "The most rigid orthodoxy of belief, held indifferently, and without examination, easily obtained and loosely held, cannot be considered worth any thing."¹⁶³ His remarks suggest an explanation for the strategy, used by proslavery men and newspapers, of

¹⁶¹ Undated petition ND-5120 in S165015: Petitions, SCDAH.

¹⁶² *An Address, Delivered in the Indigo Hall, Georgetown, South-Carolina, on the Fourth Day of May, 1860, the 105th Anniversary of the Winyaw Indigo Society: By Plowden C. J. Weston* (Charleston: A. J. Burke, 1860), 14.

¹⁶³ *Ibid.*, 22.

publicizing Helper's ideas in order to condemn them. Although he praised unfettered debate in this speech, Weston showed a willingness to restrict free expression. Arguing in a mode similar to that of the article "Persecution," he said: "It is necessary sometimes to put shackles on arms and legs; it is also sometimes necessary to confine the efforts of the mind, but this should be done for crimes perpetrated, not for evils expected."¹⁶⁴ Weston did not then specify crimes which would justify shackling expression but he would later assert, in criticizing Read's bill, that the rectitude of slavery was "truth."¹⁶⁵ For him, an investigation of the arguments for and against slavery must lead to a more settled conviction of its justice and efficacy.

Weston had considered the issue of nonslaveholders' interest in preserving slavery well before the introduction of Read's bill. On July 4, 1857, he devoted part of a speech to explaining the ways in which slavery benefited all white southerners. He claimed no economic benefits to nonslaveholders, presenting only the familiar assertion that enslaving blacks produced equality among whites. Southern society, he said, was defined by the "co-existence . . . of two separate peoples," totally different from each other. One controlled the other, but each "preserved, within itself the most perfect equality between its members." The two groups were demarcated only by race, and every person's status was determined by color. If white, "then a free citizen," if black, "then a slave, or . . . without political rights." Where other societies used hierarchies based on wealth or lineage, Weston said, "here the difference is marked by the finger of God."¹⁶⁶ This *herrenvolk* democracy prevented the development of the class tensions which plagued other societies. The white population of the South constituted a governing race "entirely equal amongst themselves." Even the "poorest and meanest citizen," Weston claimed, "maintains his absolute superiority over the Negro, [and] also preserves his absolute equality with the greatest and most illustrious of his own race." The humblest white man's claim to parity with a gentrified planter,

¹⁶⁴ Ibid., 15.

¹⁶⁵ "South Carolina Legislature," *Charleston Daily Courier*, January 14, 1861.

¹⁶⁶ *An Address Delivered by Plowden C. J. Weston, Before the Citizens of All Saints Parish at Wachesaw 4th July, 1857* (Georgetown, SC: J. W. Tarbox & Co., 1857), 4.

he argued, “is admitted on all occasions . . . with . . . entire conviction.”¹⁶⁷ Weston revealed that the planter’s admission was motivated by fear of the enslaved blacks, and not by any dedication to “country-republican” principles.¹⁶⁸ He explained: “It is felt that, with an inferior race to keep in subjection, the smallest inequality between citizens is abominable.”¹⁶⁹ In exchange for helping to keep the slaves in check, nonslaveholders were granted a condescending equality. Weston opposed censoring antislavery literature directed at nonslaveholders because of his expressed confidence in the proslavery argument, but he offered nonslaveholders little recompense for an institution that imposed heavy political and economic costs on their class.

When the House again took up Read’s bill on January 14, 1861, Weston redoubled his criticism of the measure. The legislature, he said, enacted the 1859 law to “prevent our slaves from being tampered with,” which was “eminently proper.” Read’s bill was “entirely different,” as it was “meant not for slaves, but for . . . the very men who govern us.” If nonslaveholders could not freely discuss slavery and “hold their own opinions,” he argued, “they ought not to have access to the ballot box.” In keeping with his view of a classless society, Weston opposed “the distinction made between slaveholders and non-slaveholders” in the bill. Like many critics of the slave exemption proposal, he was loath to see the distinction enshrined in state law and worried about the message it would send. To admit the existence of disparate class interests in the South, he said, would “establish the very worst precedent.” Weston said: “We are in favor of slavery, because we believe it to be right . . . not simply because we own slaves.” That contradicted an influential body of southern opinion which held that ownership of slaves was the only guarantee of an individual’s loyalty to slavery. The bill, he said, implied that “the interests between the slaveholder and non-slaveholder were distinct,” when, in reality, “their interests and . . . opinions

¹⁶⁷ Ibid., 5-6.

¹⁶⁸ The term is from Ford, *Origins of Southern Radicalism*, 372-373. Ford uses an anecdote from Mary Chesnut to demonstrate “absolute equality” among whites. For other interpretations of the anecdote, see Freehling, *Road to Disunion*, 1:44-47, and Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (New York: Oxford University Press, 1995), 128-129.

¹⁶⁹ *An Address Delivered by Plowden C. J. Weston . . . 4th July, 1857*, 6.

ought to be precisely the same.”¹⁷⁰ For Weston, the need to maintain the facade of a classless society required the defeat of Read’s bill.

Weston’s concern with outsiders’ perception of the state extended beyond contemporaries to embrace posterity, an outlook to be expected from a man affiliated with several state historical societies.¹⁷¹ “This Bill, if passed,” he told the House, “becomes a matter of history.” Weston said he would not “have one sentiment recorded in history that did not express the full conviction of our people.” He predicted the interpretation which an historian would place upon Read’s bill:

If any man attempted to write history from this Bill, he would immediately say there was a very great difference of opinion on the subject matter embraced therein. He would say we are compelled to keep one class down by the strong arm of the law. Such a stigma should not be written on a single page of South Carolina’s History.¹⁷²

Weston believed that the defeat of Read’s bill would prevent current and future outsiders from discovering that many slave owners in the state doubted the loyalty of nonslaveholders, but he was mistaken. The bill’s introduction, and the accounts of the debate printed in Charleston newspapers ensured that the suspicions felt by some of the state’s ruling class were revealed.¹⁷³

The censorship provided for in Read’s bill, Weston argued, was unnecessary and would be unjust. He reiterated his claim that slavery would emerge triumphant from an open debate on its merits. “If we discuss slavery . . . meet books and arguments against it . . . and examine the question,” he contended, “slavery would go on conquering.” Weston maintained that if slavery was debated “and then put before the people” for their approval, “our institutions would come out gloriously at the ballot box.” He could afford to make that prediction, knowing such a plebiscite was unlikely, as South Carolina had seceded, in large part, to avoid such an eventuality. The

¹⁷⁰ “South Carolina Legislature,” *Charleston Daily Courier*, January 15, 1861.

¹⁷¹ Weston was a member of the South Carolina Historical Society, an honorary member of the Maryland Historical Society, and a corresponding member of the New York Historical Society.: *An Address Delivered by Plowden C. J. Weston . . . 4th July, 1857*. Memberships are listed on the title page.

¹⁷² “South Carolina Legislature,” *Charleston Daily Courier*, January 15, 1861.

¹⁷³ “The South Carolina Legislature,” *Washington Daily National Intelligencer*, January 24, 1861. The *Intelligencer* cited the debates printed in the *Courier* and described the bill as “proposing to prohibit the circulation and possession by non-slaveholders of books, pamphlets, or papers designed to excite prejudice against slaveholders.” It reprinted part of Read’s argument for the bill, which it clipped from the January 15 issue of the *Courier*.

convention election, held in December 1860, could have been somewhat of a referendum on slavery, but it was not preceded by a canvass marked by free and open discussion of the issue. Weston concluded his opposition to Read's bill by alluding to the potential conflict uppermost in everyone's mind. "Men who have no slaves," he said, "stand ready to defend a revolution based very much upon the right of property in slaves." With the state facing war, it would be foolish to enact a law that would codify and exacerbate class differences. Nonslaveholders were willing to fight for slave property; they should be allowed to debate the issue. Weston hoped the legislature would not impose censorship on white men "who, without reference to property, were standing shoulder to shoulder in the great cause we are now engaged in." By doing so, he concluded, the state would "violate every principle of honor."¹⁷⁴ In 1857, Weston argued that the need to keep slaves "in subjection" promoted equality among whites.¹⁷⁵ When he spoke in January 1861, the possibility of invasion by a powerful enemy made white equality even more imperative. Weston reminded slave owning lawmakers that they needed nonslaveholders more than ever and warned that passing Read's bill would jeopardize the support of that class.

After Weston's remarks, Read defended his bill, albeit in a somewhat chastened fashion. His measure, Read continued to argue, was similar to the act passed by the legislature in 1859. That law was prompted by "presentments from various sections of the State," requesting a law to prohibit "papers . . . calculated to create a feeling of rebellion on the part of slaves." Likewise, Read said, his bill constituted a response to popular demand. During the current session of the legislature, he said, "papers have been sent in from all quarters, asking the enactment of a law touching the case of parties who attempt to create a feeling of alienation between slaveholders and non-slaveholders."¹⁷⁶ The presentment of the Greenville grand jury was certainly the most important of the requests that he cited.¹⁷⁷ Read alluded to the Willis case, and perhaps others as

¹⁷⁴ "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861.

¹⁷⁵ *An Address Delivered by Plowden C. J. Weston . . . 4th July, 1857*, 6.

¹⁷⁶ "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861.

¹⁷⁷ Other than the Greenville presentment, the author found no papers from the 1860 session requesting such a law at the SCDH.

well, telling the House that “such a state of things does exist in many parts of the State.” He spoke directly to the concerns of slave owners in Greenville and the rest of the upcountry, declaring: “In the upper portion of the State there is a large portion of the population who have no negros and no interest in them; there it might be necessary that such a law should be passed.” Read subscribed to the belief that persons who did not own slaves were not reliable, and that only slave owners could be trusted to protect the institution. That view was entirely at odds with Weston’s denial of the existence of distinct class interests. Read offered a conciliatory gesture, suggesting that the persons for whom the bill was intended were not residents of the state. Although “citizens of South Carolina” might not be “disposed to foster and increase the feeling of alienation between the two classes,” he warned, emissaries could still “come here from other States.” Those interlopers could “distribute their incendiary publications, and there is no law to touch them.”¹⁷⁸ That assertion ignored the facts of the Willis case, for he had resided in the state for twenty years and been convicted and imprisoned without benefit of Read’s measure. More important, Read’s focus on emissaries from outside the state was a red herring. The danger his bill was intended to meet was not that a few northern abolitionists might try to hand out *The Impending Crisis*; it was that whites who were not slave owners might respond favorably to the book’s arguments. For Read and the men of the Greenville grand jury, the essential goal was to prevent any class-based critique of slavery from reaching South Carolina’s nonslaveholders.

Read’s bill, and his argument on its behalf, provides compelling evidence of the dramatic effect that *The Impending Crisis* had on the slaveholding elite. More than one year after the book was the focus of the Speaker fight in Washington, Read knew he could refer to it without need of explanation. In addressing the House, he remarked: “All know of the remarkable book written by one Helper.” Mentioning Helper’s name sufficed; he and his book had become shorthand for the Republican party’s aggressive designs upon slavery. *The Impending Crisis*, Read told the House,

¹⁷⁸ “South Carolina Legislature,” *Charleston Daily Courier*, January 15, 1861.

“was written for the express purpose” of creating alienation between nonslaveholders and slave owners. He said his bill would deal with “any parties designing to create the state of feeling we all deprecate.” Read implied that Weston’s confidence resulted from too great an emphasis on local conditions. The bill may not be “necessary in this [lowcountry] section of the State,” he conceded, but “from the sources whence came the memorials, &c., praying legislation on the subject,” he believed it was “necessary elsewhere.”¹⁷⁹ In the lowcountry, where slave owners predominated, white men could read *The Impending Crisis*; the censorship in Read’s bill might safely be limited to the upcountry, where nonslaveholders formed a majority.

The positions taken by Read and Weston in their debate encapsulated the two main ways in which the southern elite viewed nonslaveholders’ loyalty to slavery. Read spoke for those who candidly admitted that nonslaveholders were a separate and distinct class whose interests did not always correspond to those of slave owners. Believing private economic interest to be the most important determinant of an individual’s action, they worried that men without slaves could be induced to oppose slavery and openly tried to forestall that development. One of their strategies was, by reopening the slave trade or exempting slaves from debt, to induce nonslaveholders to purchase bondsmen and enter the slave owning class. A second strategy, manifested in Read’s bill, was to censor documents and speech intended to fuel the growth of class consciousness among southern nonslaveholders. Weston, on the other hand, represented a school of thought that denied that nonslaveholders’ interests diverged from slave owners in any way. Subscribers to this belief objected to any legislation, like the slave exemption or Read’s bill, which would reify the idea of distinct and competing class interests in the South. They endeavored to prevent class conflict by conflating slaveholders’ private interest with the public interest and co-opting nonslaveholders to their viewpoint. Facing a choice between Read’s explicit censorship and Weston’s denial of class distinctions, South Carolina representatives chose the latter. After Read

¹⁷⁹ “South Carolina Legislature,” *Charleston Daily Courier*, January 15, 1861. The legislature and the state convention moved to Charleston in December because of fears of a smallpox outbreak in Columbia.

concluded his remarks on January 14, 1861, Richard Yeadon, Jr., moved to table the bill, and the House agreed.¹⁸⁰ As Weston told the legislature, secessionists had temporarily won the battle for nonslaveholders' hearts and minds, and men of that class were taking up arms to defend the South. Moreover, the secession of South Carolina had already done much to prevent the entry of *The Impending Crisis* and other antislavery documents into the state.

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In his statement to the jury, defense attorney William King Easley disparagingly asked: "What could poor old Willis promise himself skulking about in Greenville distributing a nasty little book?"¹⁸¹ The reaction of district and state authorities, however, was incommensurate with Easley's suggestion that Willis's actions were insignificant and harmless. Whatever his intent, Harold Willis provoked a revealing and significant response from South Carolina's leaders by handing a few copies of *The Impending Crisis* to his white neighbors in Greenville. He forced the slave owners who dominated the state to candidly admit their belief that nonslaveholders were disaffected from slavery and could be persuaded to oppose the institution. At every step along the way, the men who objected to Willis's circulation of the book explicitly mentioned the fact that he gave it to nonslaveholders. The committee which arrested him noted that he gave the book to two white men, and John D. Ashmore twice declared, in his remarks to Congress, that Willis handed it to blacks and poor white men. One count of the indictment of Willis included passages from *The Impending Crisis* directed at nonslaveholders; the jury convicted him on that and one other count. After the conviction, the Greenville grand jury, believing that existing laws did not provide for Willis's real crime, asked for a law to prevent the circulation of documents intended to create alienation between nonslaveholders and slave owners. The state legislature responded favorably to that request, and the House of Representatives considered a bill that would have

¹⁸⁰ "South Carolina Legislature," *Charleston Daily Courier*, January 15, 1861; *South Carolina House Journal*, 1860, 336. No vote was recorded on Yeadon's motion to table the bill. Yeadon represented St. Philip's and St. Michael's Parish.

¹⁸¹ Willis Defense, 28.

imposed explicit restrictions on white citizens' freedom of expression, in order to prop up the private interests of the slaveholding class. While the bill did not win passage, its failure did not constitute a ringing endorsement of the legislature's confidence in the loyalty of nonslaveholders. In his critique of the bill, Plowden C. J. Weston emphasized the point that lawmakers would be unwise to admit the existence of different classes of white southerners. By the time the House tabled the bill, South Carolina had already seceded, closing off most of the avenues for the transmission of antislavery literature into the state. Moreover, as the Willis case conclusively demonstrated, existing laws against incendiary documents could be used to prohibit circulation of *The Impending Crisis*. The Harold Willis case and its aftermath demonstrate the prominence of the issue of nonslaveholders' loyalty in the first state to secede, and suggest that the desire to prevent antislavery ideas from reaching members of that class played a significant role in the decision to leave the Union.

Chapter Seven:

Distrust of Nonslaveholders a Primary Cause of Secession

Throughout the 1860 election and the secession crisis which followed, proponents of disunion emphasized the ability of a Republican administration to exploit class divisions and gradually effect peaceful abolition. They asserted that Lincoln would use federal patronage to create a southern wing of the Republican party and said he would facilitate the dissemination of antislavery views in the South by protecting free speech and freedom of the press. In essence, secessionists claimed that the basic elements of political activity would be an intolerable threat to slavery when employed by a Republican president. Secessionists implied that nonslaveholders, lacking the direct interest conferred by ownership of bondsmen, might be persuaded to abolish slavery. They deemed the border states, where slavery was declining, to be most vulnerable but predicted that the cotton states would follow in their train. After Lincoln's victory in November, those who called for the South to secede before he was inaugurated placed the danger to slavery posed by free speech, a free press, and federal patronage at the forefront of their arguments. So dire was the threat, they warned, that the South could not wait for Lincoln to commit an "overt act" against the Constitution. Many southerners insisted that any sectional compromise include guarantees against federal patronage being used to undermine their domestic institution. Some wanted to nationalize southern censorship, demanding that antislavery expression be prohibited even in the North. Secessionists further showed their distrust of nonslaveholders by aiming a propaganda campaign at members of that class during the election and the secession crisis. Politicians, newspapers, and journals repeatedly told nonslaveholders that their interest dictated the maintenance of slavery in the South. This propaganda appeared at critical moments on the political calendar, before the fall election and then again before the various state elections for conventions. The concerted effort gave the lie to confident public assertions made by proslavery southerners of nonslaveholders' devotion to the institution. Even after the cotton states left the

Union, slave owners were unsure of nonslaveholders' loyalty and considered measures to compel their support. Slaveholders' distrust of southern nonslaveholders formed an integral part of the decision of seven states to leave the Union before Lincoln took office.

Federal Patronage and Freedom of Expression Threaten Slavery

From the inception of the Republican party in the 1850s, southerners expressed concern about antislavery men being appointed to federal offices in their region. In 1854, the Mississippi legislature considered instructing the state's senators to oppose "all nominations of freesoilers, or abolitionists," if the president submitted any for Senate approval.¹ The robust candidacy of John Frémont in 1856 raised the distinct possibility of a Republican president appointing thousands of federal officials in the South. Andrew P. Butler of South Carolina said a Frémont victory would serve notice "that slave holders will hereafter be regarded as ineligible to the higher offices of the Govern[men]t."² The *Richmond Enquirer* predicted Frémont would use the appointing power to foment class division: "Efforts will be made to draw a marked line between the slaveholding and non-slaveholding classes, by confining the powers of government to the latter." Moreover, it argued, great rewards awaited officials in the South who "may become anti-slaveholding as well as non-slaveholding."³ In a speech delivered during the canvass, Virginia senator Robert M. T. Hunter described southerners' conviction that, under a Republican administration, "patronage would be employed to breed and engender civil strife in their midst."⁴ After Democrat James Buchanan won the election, proslavery men noted the danger which had been averted and looked ahead to 1860. Edmund Ruffin claimed a Republican administration could end slavery without

¹ "Senate [Resolution] No. 1," RG 47, Volume 22: "Bills and Resolutions, 1854," MDAH. Nominations requiring Senate consent included the Supreme Court, the Cabinet, and the most lucrative patronage jobs.

² A. P. Butler to Waddy Thompson, August 20, 1856, Waddy Thompson Papers, SCL.

³ "The Crisis—Position of the South if Fremont be Elected," *Richmond Enquirer*, n.d. Clipping in Pettigrew Papers, Scrapbook, NCDAH.

⁴ "Senator Hunter's Appeal to the North," *DeBow's Review* 21 (November 1856): 535.

violating the Constitution and said that one method would be distributing patronage in the South.

He wrote:

Every office . . . of the Federal Government might be bestowed on abolitionists only, and in all the Southern States on Northern Abolitionists, until corruption and fear, or despair, should induce conversions, or professions and acts of abolitionism in southerners, as offering the only road to office.⁵

“Python” argued in *DeBow’s Review* that if the Republican party took office, it would use all of the powers of the federal government to abolish slavery, including patronage:

The purse of the Government and the officers of the Government will both be prostituted . . . to the nefarious purpose of *purchasing up traitors at the South*, and the slaveholding States will have to contend not only against a gigantic *external* power . . . but also against a mighty corps of political sappers and miners, internal spies and disloyal Arnolds.⁶

The use of patronage by an incumbent party to reward partisans and gain new adherents was a regular, if often criticized, element of national politics in the mid-nineteenth century. Proslavery southerners, however, said it would be unacceptable for a Republican president to use patronage to win the support of nonslaveholders. The Republican party’s endorsement of *The Impending Crisis*, described above, intensified southern fears of patronage just before the 1860 campaign.

In the first months of 1860, proslavery ideologues issued dire warnings about the ends to which a Republican president would use federal patronage. Addressing the Virginia legislature in January, Christopher G. Memminger, spokesman for South Carolina, warned that “the hope held out to southern aspirants for office” would “corrupt our leaders and confound our people.”⁷ The *Edgefield Advertiser* worried that “the influence of Federal patronage and the sway of Federal authority may enlist agents and abettors in every portion of the Union” for the Republicans.⁸ James P. Holcombe, a law professor at the University of Virginia, asked: “Would it be no overt act of aggression to make anti-slavery sentiment . . . a qualification for office?” He predicted a Republican administration would use “its patronage” to sustain “men who traduce our character

⁵ “Consequences of Abolition Agitation—No. I,” *DeBow’s Review* 22 (June 1857): 584, 587-588.

⁶ “The Relative Political Status of the North and the South,” *DeBow’s Review* 22 (February 1857): 124.

⁷ *Address of the Hon. C. G. Memminger, Special Commissioner from the State of South Carolina, before the assembled authorities of the State of Virginia, January 19, 1860* Doc. No. LVIII (N.p., 1860), 37.

⁸ “The Real Danger,” *Edgefield Advertiser*, January 18, 1860.

and falsify our institutions.”⁹ Alabama resident S. D. Moore argued that the Republican free-soil ideology was intended to “produce divisions . . . between slaveholders and nonslaveholders, to be embittered into deadly strife.” Southerners “who oppose the institutions of the South, or are prepared to betray them,” Moore claimed, “have, in advance, held out to them as a reward the patronage of the Union government.” He characterized this effort to divide southerners along class lines as a threat to the future of slavery. “It is manifestly and conclusively true,” Moore wrote, “that if this public opinion is allowed to divide us or control us, we are *undone*.”¹⁰ As the 1860 campaign heated up, secessionists echoed that refrain and claimed that the only way to avoid such division would be to leave the Union before a Republican president took office.

With three candidates running against Lincoln, many secessionists expected him to win and tried to convince southerners that immediate disunion would be the only way to prevent the abolition of slavery.¹¹ In July the *Richmond Enquirer* elaborated its view of the way in which a Republican president could undermine the institution: “We would apprehend no direct act of violence . . . but by the use of federal office, contracts, power and patronage, the building up in every Southern State of a Black Republican party . . . to become in a few short years, the open advocates of abolition.” It maintained that such efforts would achieve “the ruin and degradation of Virginia” as effectively as an invasion or a slave revolt.¹² From his home in South Carolina, William W. Boyce foresaw a peaceful assault on slavery. The Republican party, he said, thought it “entirely constitutional . . . to agitate the question, so as to influence the South, by moral means, to abolish slavery.” Boyce predicted that if Lincoln became president, “the patronage of the

⁹ *The Election of a Black Republican President an Overt Act of Aggression on the Right of Property in Slaves: The South urged to adopt Concerted Action for Future Safety. A Speech Before the People of Albemarle on the 2nd day of January, 1860, By James P. Holcombe, Professor of Law in the University of Virginia* (N.p., n.d.), 11-12.

¹⁰ “The Irrepressible Conflict and Impending Crisis,” *DeBow’s Review* 28 (May 1860): 541.

¹¹ The Democratic party split on the issue of slavery in the territories, and had two contenders in the field: John C. Breckinridge favored an aggressive defense of slavery, while Stephen A. Douglas stood for northern Democrats and moderate southern partisans. The Constitutional Union party, composed mainly of the remnants of the southern Opposition, or Whigs, selected Tennessee’s John Bell as its standard-bearer.

¹² “The Cry of Disunion,” *Richmond Enquirer*, July 10, 1860, in Dwight Lowell Dumond, ed., *Southern Editorials on Secession* (New York: Century Co., 1931), 140-141.

Administration would be used to build up a Republican party in the border slave States,” and the Supreme Court “would be remodeled” to conform to antislavery beliefs. He concluded: “If the South acquiesces in a Republican Administration, I think . . . emancipation only a question of time.”¹³ In October, the *Charleston Mercury*, a radical southern rights newspaper, described the results of southern “submission” to a Republican administration. It predicted “immediate danger” to slavery in the border states, with more slaves escaping to the North and nervous slaveholders selling to buyers in the cotton states. Even worse, it argued, a Republican administration would force an open debate on slavery within the South:

With the control of the Government . . . the Abolitionists will renew their operations upon the South. . . . The Brownlows and Botts’, in the South, will multiply. They will organize; and from being a Union Party . . . they will become, like the Government they support, Abolitionists. They will have an Abolition Party in the South, of Southern men. The contest for slavery will no longer be one between the North and the South. It will be in the South, between the people of the South.

The initiation of such a contest, the *Mercury* warned, would destroy southern unity, facilitating antislavery violence and sabotage. “All the patronage of the Federal Government, and a Union organization in the South,” it maintained, would support these acts. Because of the magnitude of this threat, the *Mercury* concluded, the South needed to act decisively. If it decided to “separate from the North” in the event of a Republican victory, the South should secede “before the 4th of March.”¹⁴ These calls for immediate secession were prompted by a belief that once Lincoln took office, the process of southern demoralization with regard to slavery would be inexorable.

Many southerners who expressed concern about Republican patronage saw New Orleans as a veritable den of potential applicants and converts to free-soil ideology. Native and foreign-born white laborers with few ties to the slaveholding elite formed a large part of the population in the Crescent City. In March 1857, Louisiana state senator H. W. St. Paul identified the city as a

¹³ “Letter from Hon. W. W. Boyce,” *Greenville Patriot and Mountaineer*, August 16, 1860.

¹⁴ “The Terrors of Submission,” *Charleston Mercury*, October 11, 1860, in Dumond, ed., *Southern Editorials*, 178-181. The editorial appeared in *Camden Journal*, October 23, 1860, and *DeBow’s Review* 29 (December 1860): 798-799. March 4, 1861 was the date of the next president’s inauguration.

threat to slaveholders' hegemony in the state. He warned colleagues: "Look to New Orleans, with its two hundred and forty thousand inhabitants, and its nineteen hundred slaveholders. If danger to our institutions lies within the State, it lurks in New Orleans."¹⁵ The disproportion between slave owners and nonslaveholders was reason enough for St. Paul to doubt the city's support of slavery. Speaking in Bonnet Carre, Louisiana on September 25, 1860, Senator John Slidell doubted the soundness of his urban constituents. Referring to the "disgrace and mortification" of those border states in which there was "an abolition ticket," he cautioned, "we must not deceive ourselves . . . that we have no materials for such a party among us." Slidell specified: "There are many, I fear very many, in New Orleans whose secret sympathies are with Lincoln . . . and who only await the moment when they may safely disclose them. The sunshine of federal patronage would soon cause these slimy reptiles to emerge."¹⁶ On October 29, Alabama fire-eater William L. Yancey concluded a national tour with a speech in New Orleans in which he asserted a belief in the pliability of city residents. Yancey said:

There were numbers in the South, in this city of New Orleans, who sympathize with the doctrines of Lincoln, and who were ready to take office under him. His officers and his sympathizers, sustained and encouraged by . . . his Administration, would fill the country, and undermine our institutions and corrupt popular sentiment.¹⁷

Days later, the radical *New Orleans Delta* echoed his suspicions, saying "very many . . . would yield . . . to the allurements of office."¹⁸ These suggestions of potential disloyalty in New Orleans reached beyond Louisiana and won assent in some quarters. The *Charleston Courier* told its readers: "New Orleans . . . is the point relied upon for the nucleus of a Republican party South, to be developed at once after the election of Lincoln."¹⁹ Proslavery ideologues who were wary of an urban white proletariat easily adopted a dim view of the deep South's largest city.

¹⁵ *Official Journal of the Senate of Louisiana. Session of 1857*, 85. As recounted in Chapter Three, St. Paul favored exempting one slave from debt. In his remarks, St. Paul cited the potential for antislavery feelings among white laborers forced to compete with slaves and said New Orleans was indifferent to slavery.

¹⁶ *Address of Hon. John Slidell to the People of Louisiana* (N.p., n.d), 1.

¹⁷ "The Yancey Demonstration Last Night," *New Orleans Daily Crescent*, October 30, 1860.

¹⁸ "What We Have to Look For," *New Orleans Daily Delta*, November 1, 1860, in Dumond, ed., *Southern Editorials*, 201-203.

¹⁹ *Charleston Daily Courier*, November 5, 1860.

The concern over Republican patronage stemmed from slave owners' uncertainty about the loyalties of nonslaveholders and their concomitant fear of an open debate in the South on the merits of the institution. Proslavery voices consistently warned that such a discussion would be fatal to the region. In May 1860, the *Camden Journal* noted William Seward's declaration that the Republican party "intended to transfer the slave controversy from the North to the South." It denounced that intention:

Let the South accept of this controversy . . . and she will have admitted among her people, an element of . . . discord that will stir society to its very depths, for it strikes at the very root and foundation of our social organism of society and of our humane and venerated system of civilization, for it must be remembered that this can not be done without a conflict, and a conflict of the most distracting and violent character.²⁰

A desire to prevent the influx of dissenting ideas among southern whites informed laws against incendiary documents and provided a strong motivation in the push for immediate secession. The *New Orleans Delta* said Republican appointees would form "a Black Republican organization, having strength in every Southern State," and raise the region's blockade of antislavery thought. It warned: "Let us beware of the day when the struggle shall be transferred to our own soil; when the slavery question shall cease to be a sectional question, and shall become a domestic question; when the armies of our enemies will be recruited from our own forces."²¹ Because the ascension of a Republican to the presidency would facilitate the exposure of southern nonslaveholders to free-soil ideas, proslavery men contended, the slave states had to secede before the inauguration.

When southerners discussed patronage, they referred primarily to the postal service, which was the largest and most ubiquitous arm of the federal government during the antebellum era. In 1861, the postal service employed 30,269 persons, a large majority of the 36,672 civilian federal workers.²² Moreover, it reached the most remote parts of every state in the Union, and was, for many people, the only tangible manifestation of the federal government. In Tennessee

²⁰ "Non-Intervention, Squatter Sovereignty, &c.," *Camden Journal*, May 22, 1860.

²¹ "What We Have to Look For," *New Orleans Daily Delta*, November 1, 1860, in Dumond, ed., *Southern Editorials*, 201-203.

²² Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part 2* (Washington: 1975), 1103.

alone, for example, the postal service operated more than nine hundred post offices in 1859.²³ Each of these employed a postmaster, presenting an opportunity for the president to further the growth of his party by extending patronage. Postal regulations required that appointments to offices where the postmaster's annual commission exceeded \$1,000 have the Senate's approval; all others were at the discretion of the postmaster general, whose decisions were subject to the president.²⁴ In Tennessee, only six of over nine hundred post offices met that criterion in 1859, meaning that every other office could be filled with an eye to partisan gain.²⁵ As the local post office was an important business and social center for its surrounding area, a postmaster could try to effect the political conversion of his or her neighbors. A South Carolina banker complained of "the hangers about the office with whom all the country P Offices are more or less infested."²⁶ Most important to proslavery men, though, was the postmaster's ability to control the delivery of mail to residents. Secessionists believed Republican postmasters would not cooperate in stopping the flow of incendiary documents, opening the slave states to a deluge of subversive publications like *The Impending Crisis*.

To forestall southerners from holding federal office under a Republican administration, slavery propagandists characterized such action as treasonous. They first employed the tactic in 1856, when the election of Republican candidate John Frémont seemed possible. An Alabama newspaper said no southerner with "the least respect for himself" would serve under Frémont, and that all federal jobs "would have to be filled by Northern men."²⁷ John Slidell wrote that if Frémont were elected, "no Southern man would dare to incur the infamy and odium of accepting

²³ *Register of Officers and Agents, Civil, Military, and Naval, in the Service of the United States, on the Thirtieth September, 1859* (Washington: William A. Harris, 1859), 350-365.

²⁴ "The Postal Laws, classified by subjects, Also, the Regulations of the Post Office Department," 62, in *List of the Post Offices in the United States, with the names of Postmasters, on the 1st of April, 1859; also, the Laws and Regulations of the Post Office Department, with an appendix containing the names of the post offices arranged by states and counties* (Washington: John C. Rives, 1859).

²⁵ *Register of Officers and Agents . . . in the Service of the United States . . . September, 1859*, 350-365.

²⁶ B. D. Boyd to Milledge Luke Bonham, March 26, 1858, Milledge Luke Bonham Papers, SCL.

²⁷ "The Future," *Mobile Register in Yorkville Enquirer*, October 2, 1856.

office under him.”²⁸ In 1860, secessionists renewed this effort to preemptively stigmatize any southerner willing to hold office under the Republicans. Alabama’s S. D. T. Moore called for “a States Rights Resistance Party looking upon the honors & emoluments of the Union Govt. as ‘forbidden fruit’ to the true men of the South.”²⁹ After the Democrats split at Charleston in May, Breckinridge partisans became the most vociferous critics of potential officers. Across the South, editors and politicians who supported his candidacy offered variations on the theme that a man would be “disloyal to his section” if he accepted a position from Lincoln.³⁰ Two senators, Robert Toombs of Georgia and Thomas Clingman of North Carolina, said that under no circumstances would they hold office in the Lincoln administration.³¹ The *Greensboro Patriot*, an Opposition newspaper, charged Breckinridge supporters with attempting “in advance . . . to render odious any, or all persons who would accept office under Lincoln.”³² Following Lincoln’s election, secessionists tried to intimidate potential federal officers in the South with threats of violence. In a letter to the *Philadelphia Star*, a Charleston resident asserted: “It would be on peril of life, that any man should hold a Federal office here, under Lincoln.”³³ A Texas man proposed the creation of an informal militia which would have the duty, among others, to “expel from this State any appointee who may accept office under Lincoln.”³⁴ Speaking in New Orleans, former Texas governor Hardin R. Runnels noted that city residents had almost hung a man for selling a medal bearing Lincoln’s portrait and had run off another for expressing sympathy with the Republicans. He asked: “If you treat such people as these in such a way, I want to know if you will submit to

²⁸ “What Will the South Do?” *Yorkville Enquirer*, October 2, 1856.

²⁹ S. D. T. Moore to Edmund Ruffin, January 30, 1860, Edmund Ruffin Papers, VHS.

³⁰ “Moral of the October Elections,” *Nashville Union and American*, October 12, 1860, in Dumond, ed., *Southern Editorials*, 183. See also “Senator Iverson of Georgia,” *Austin State Gazette*, November 10, 1860; “Another Madcap,” *Camden Journal*, August 28, 1860; “An Incident,” *Nashville Union and American*, January 26, 1861.

³¹ *Speech of Hon. Robert Toombs on The Crisis, Delivered Before the Georgia Legislature, December 7, 1860* (Washington, DC: Lemuel Towers, 1860), 15; “Senator Clingman on Lincoln Office-holders at the South,” *Edgefield Advertiser*, September 26, 1860. The declarations were empty threats, as neither man was likely to have been offered a position.

³² “Holding Office Under Lincoln,” *Greensboro Patriot*, September 14, 1860.

³³ J. W. Claxton to Mr. Jones, November 10, 1860, Milledge Luke Bonham Papers, SCL.

³⁴ “Wide-Awakes,” *Galveston Crisis* in *Austin State Gazette*, November 10, 1860.

the presence of Black Republican appointees in your midst?”³⁵ Such efforts to condemn and intimidate southerners who might take office under Lincoln were motivated by a belief that Republicans would find more than enough willing officials to transact the business of the federal government. In combination with warnings that Lincoln would build his party in the South by the judicious use of patronage, these attempts to preempt southern applicants revealed a deep concern that nonslaveholders would tolerate and eventually support the Republican party.

Proslavery southerners warned that a Republican administration would be fatal to slavery in the border states and that abolition there would soon impinge on the cotton states. The decline of slavery in the upper South made those states seem vulnerable to an influx of free white labor and Republican ideology. In 1860, a contributor to the *Field and Fireside* worried that economic factors were compelling Virginia to “part with all her slaves, and depend exclusively on white laborers, who will vote ever with the North.” The ongoing migration of slave labor to the lower South, he wrote, constituted “a virtual surrender of about two-thirds of all our present slave territory to freesoil labor.”³⁶ Virginia planter Richard Eppes agreed the institution “would not last 25 years” in the state, because of “the high price of negroes, low profits . . . from the cultivation of our soils,” and the likelihood of higher taxes on slaves. After Lincoln’s election, Eppes believed “if Virginia remained in the Union she would eventually be a free state,” but that if it seceded, “the institution . . . would be a fixture for at least half a century.”³⁷ In *DeBow’s Review*, “Python” warned that slavery’s retreat from the border states would give the free states the three-fourths majority needed to amend the Constitution. “A non-slaveholding population, chiefly from the North, entertaining . . . abolition sentiments,” he wrote, dominated Delaware and Maryland and formed a large minority in parts of Virginia, Kentucky, North Carolina, and Tennessee. Acting with that population, the Republicans could abolish slavery in those states and carve

³⁵ “Southern Rights Mass Meeting,” *New Orleans Daily Crescent*, November 24, 1860.

³⁶ “Present Condition of American Agriculture,” *Field and Fireside* in *Farmer and Planter* 11 (January 1860): 46-47.

³⁷ September 4, 1860 and November 11, 1860, Richard Eppes Diary Aug. 12, 1859-July 1, 1862, VHS.

additional free states out of the territories, creating the majority needed to prohibit slavery throughout the Union. In this scenario, Python concluded, “the South . . . would never be furnished legitimate ground or legal justification for disunion.”³⁸ The *Edgefield Advertiser* described his argument as “a large presumption upon the weakness of . . . slavery, [and] upon the unsoundness of the non-slaveholders of the South.”³⁹ That indictment did not prevent others from repeating some of his points. In early 1861, Tennessee resident J. H. Freleigh asserted that in “a few years,” Delaware, Maryland, Missouri, and Kentucky would have so few slaves, “as to be on the way, if not then already free States.” At the least, he said, “a large portion of their populations will be so imbued with the abolition sentiment . . . that they will side with the free States.” In the states named, and in Virginia, he contended, “the extinction of slavery . . . appears unavoidable,” providing “an additional reason for secession now.” If those states seceded and joined a southern nation, Freleigh argued, their tendency toward abolition would be reversed, with the aid of legislative “inducements . . . to retain the institution.”⁴⁰ Slavery’s insecurity in the border states and its potential to harm slave owners’ interests farther south ranked high in the concerns of the men who led South Carolina out of the Union. After secession, John A. Calhoun said he opposed any reconstruction of the Union, explaining: “In a few years . . . the Border States would have become virtually free States; and no power on earth could then save our institutions.”⁴¹ Proslavery ideologues worried that the end of slavery in the upper South would lead to abolition in their states, and they propagated a nineteenth century domino theory to justify secession.

Southerners revealed their concern over slavery’s future in the border states by devoting close attention to Republican attempts to develop the party there. The nascent Republican groups had little influence, but were seen as harbingers of an effort to initiate a public debate of slavery.

³⁸ “The Issues of 1860,” *DeBow’s Review* 28 (March 1860): 254-257. See also “The South, In the Union or Out of It,” *DeBow’s Review* 29 (October 1860): 454.

³⁹ “Political Extravaganzas,” *Edgefield Advertiser*, March 14, 1860.

⁴⁰ J. H. Freleigh, *The True Position, Interests and Policy of the South. Union or Secession: Which is Best? The Crisis* (Memphis: W. M. Hutton & Co., 1861), 9, 11-12.

⁴¹ John A. Calhoun to Robert Barnwell Rhett, January 21, 1861, John A. Calhoun Letter, SCL.

In May 1860, the *Greensboro Times* mocked Republican efforts to solicit the representation of slave state delegates at the party's national convention. It described the "attempt to get up Peter Funk delegates from some of the Southern slave States" as a "political humbug." The *Times* asserted: "With the exception of an omnibus load of disaffected citizens in some of the border counties, there is no such thing as Black Republicanism in Virginia."⁴² Beneath such ridicule, however, lurked a nagging concern that the Republican party could win adherents in the South. In New Orleans, William Yancey declared: "The abolition men of the border States are already numerous. . . . They have their leaders who advocate their cause. . . . They are running Black Republican tickets in Missouri, Kentucky, Maryland, Virginia, and Delaware."⁴³ Democrat E. McBride of St. Louis ascribed significance to a congressional election in Missouri, because the Republican party spent a large sum on behalf of its candidate. He asked: "Will not our Southern friends assist us in this very important election?"⁴⁴ Declining an offer to address Democrats in northwest Virginia, Henry Wise alluded to Republican infiltration of the border states. Wise wrote: "The wolf has already entered the fold of Missouri, and I wish I could say that he is not loitering around the borders of Virginia."⁴⁵ The attention given to an incident in Virginia in July 1860 highlighted the obsession with Republican activity in the South. In the town of Occoquan, a group of Republicans raised a pole with "a flag bearing the names of Lincoln and Hamlin." When other residents took exception, the Republicans resolved to defend the pole with force. The militia arrived to keep order, and residents cut down the pole without resistance.⁴⁶ Newspapers in North and South Carolina reprinted the *Richmond Enquirer's* account of these events.⁴⁷ Proslavery voices consistently implied that Republican activities in the slave states were illegitimate and beyond the pale of acceptable conduct. The *Raleigh Standard* discussed Alfred Caldwell, a

⁴² "Republican Delegates From Slave States," *Greensboro Times*, May 12, 1860.

⁴³ "The Yancey Demonstration Last Night," *New Orleans Daily Crescent*, October 30, 1860.

⁴⁴ E. McBride to Milledge Luke Bonham, July 20, 1860, Milledge Luke Bonham Papers, SCL.

⁴⁵ Henry Wise to "Gentlemen," September 8, 1860, Wise Family Papers, VHS.

⁴⁶ "Important from Virginia," *Camden Journal*, August 7, 1860.

⁴⁷ "The Irrepressible Conflict in Virginia," *Greenville Patriot and Mountaineer*, August 2, 1860; "Political Excitement in Virginia," *Greensboro Times*, August 4, 1860.

Republican who represented the Wheeling area in the Virginia Senate. Noting that other lawmakers did not speak to him, it asked: "Is this all that is done to Black Republicans in Virginia?" If any man in Raleigh "should avow himself an abolitionist or a black Republican," the *Standard* blustered, he would be "driven off" or forced to appear in court.⁴⁸ In its report of a party meeting in Baltimore which was dispersed by a mob, a South Carolina newspaper said the Republicans had "paid the penalty of their audacity."⁴⁹ Proslavery men feared that the free-soil ideology would be attractive to southern nonslaveholders and tried to create a climate of opinion in which Republicans had no right to meet, organize, vote, or hold office in a slave state.

Proslavery men in Virginia attempted to browbeat their neighbors out of casting a vote for Lincoln, despite the fact that he had no chance of carrying the state. In a letter to Governor John Letcher, John M. Smith of Giles County stated his intention to vote for Lincoln and asked the governor to protect him and other men in doing so. Smith asked: "I would like to know from you what is to prevent me from voting for Lincoln as he is the man that I prefer." He expected interference, however, telling Letcher "there is a great deal of threatening on the part of slave holders in regard to poor men exerciseing the elective franchise." Smith delivered a powerful argument for being allowed to vote as he saw fit:

I am a law abideing citizen and has paid my taxes to the commonwealth of Virginia every year and performed all the duties and complied with all the obligations on me[.] I think it hard if I should be prevented from exercising the wright of suffrage that other men do in selecting any one of the four candidates before the people . . . as my choice.

He wondered, if he submitted a Lincoln ticket at the ballot box, "whether it will be received as the tickets of the other three men." To forestall any problems, Smith suggested to Letcher: "I hope you will direct the commissioners throughout the State to receive all peacable citizens votes that may be offered." He closed by reiterating his desire to exercise the most important right of a citizen: "I wish merely to have the privilege of casting my vote for the man I prefer and nothing

⁴⁸ "Alfred Caldwell," *Raleigh Weekly Standard*, January 4, 1860.

⁴⁹ "The Republicans Routed," *Camden Journal*, November 6, 1860.

more.”⁵⁰ Smith’s letter represented a worst-case scenario for the master class—a nonslaveholding citizen asserting his right to vote for whomever he pleased and insisting that the state enforce that right. Secessionists feared that if Lincoln took office, the federal government would protect men like Smith in casting Republican ballots and in trying to persuade their neighbors to do the same. On the opposite side, John McLure of Wheeling asked Letcher for an “opinion & view of our law as to voting.” He wished to know if it was lawful for a voter to hand his printed ticket to the election officials to be recorded. That, McLure said, was the custom in his area, but he inquired: “Does not the law require the person voting to speak out, & name the person he votes for?”⁵¹ His question involved more than a procedural issue; it affected an individual’s ability to vote his conscience. Stating one’s choice in front of neighbors, friends, and employers could intimidate a voter. Wheeling was one of the few parts of the state where Republican votes were expected, and McLure may have hoped to scare off Lincoln voters by making them announce their choice.

The secessionist press quoted Republican politicians and newspapers to bolster its claim that Lincoln would employ free speech and patronage to undermine slavery. In October, a South Carolina paper cited the *Buffalo Commercial* to show “the calculations of the Black Republicans based upon the divisions of the South.” The *Commercial* wrote that after Lincoln took office, his party would have strength in the South and could no longer be called sectional. It asked: “When Southern men are raised to high officers, and are scattered all over the slave States . . . where will be your geographical party then?”⁵² The *Austin State Gazette* reviewed the Republican platform and the speeches of some party leaders. It summarized a key aspect of the Republican plan to weaken slavery upon taking power: “There must be freedom of speech against slavery sustained in the slave States. . . . the Postoffice Department and all the force of federal authority must be brought to bear to give circulation to the incendiary speeches.”⁵³ *DeBow’s Review* used the words

⁵⁰ John M. Smith to Governor Letcher, September 23, 1860, in Letcher Executive Papers, LVA.

⁵¹ John McLure to Governor Letcher, October 2, 1860, in Letcher Executive Papers, LVA.

⁵² “How the Black Republicans reason upon the Submission of the South,” *Lancaster Ledger*, October 17, 1860. See also “Let Southern Men Read This!” *Salisbury Banner*, October 23, 1860.

⁵³ “The Crisis-No. III,” *Austin State Gazette*, October 27, 1860.

of John Jay to imply that the Republicans would use patronage to foment class conflict. It quoted his remarks to a New York audience: "After the Republican Government is fairly installed, with its officeholders in every State . . . the non-slaveholding citizens of the South will probably learn to protect themselves."⁵⁴ The most potent Republican testimony may have been a letter sent to abolitionist Gerrit Smith by Maine congressman Daniel Somes, which appeared in the *Boston Liberator*. Somes claimed Lincoln's election would lead to "ultimate emancipation in the slave States, by the introduction of free speech and a free press." He explained that if William Lloyd Garrison published an antislavery paper in Richmond, Lincoln would be "bound by his oath of office to defend him against mobs or State laws." Moreover, if Wendell Phillips wished to speak in the South, Somes wrote, "he must be protected, if necessary, by the army and navy." Using the letter to reveal "the designs of the Black Republicans," the *Southern Guardian* declared: "Their work is to be a missionary one, for the purpose of abolitionizing the South."⁵⁵ Days later, the *Guardian* printed an excerpt from the *New York Tribune*, which stated: "It is the mission of the Republican party to . . . make it possible for any party or man to speak honest convictions upon questions of government." That would seem to be an innocuous statement of principles that all parties could agree upon, but not for proslavery ideologues in 1860. The *Guardian* called it an "unequivocal declaration" that "abolition emissaries and incendiaries will be protected by the Government."⁵⁶ Between the Republican intention to protect civil liberties and the imperative need of the master class to repress antislavery expression, there would be no middle ground.

When the election resulted in victory for Abraham Lincoln, secessionists called on the slave states to leave the Union before he took office. In their arguments, these propagandists emphasized the ability of the incoming administration to sow dissension among southern whites

⁵⁴ "Why we Resist and What we Resist—The Two Opposing Views of the Great Issue between the North and the South," *DeBow's Review* 30 (February 1861): 246.

⁵⁵ "Is Republicanism Abolitionism?" *Southern Guardian* in *Edgefield Advertiser*, October 31, 1860. For another treatment of Somes's letter, see "Why the Abolitionists Support Lincoln," *Austin State Gazette*, November 10, 1860.

⁵⁶ "The Mission of Republicanism," *Southern Guardian* in *Camden Journal*, November 6, 1860.

on the issue of slavery. They maintained that the South could not afford to wait for an “overt act” against the constitutional protection granted to slavery in the states. In October, a candidate for the South Carolina legislature summarized the case: “To submit to the inauguration of Lincoln into office; with . . . the whole power and patronage of the Government at his command, and then wait for a still further overt act, would ere long, be the final doom of Slavery.”⁵⁷ A writer to the *Savannah News* denied the unionist claim that Lincoln would be powerless against slavery, citing the dangers from federal patronage and unrestricted delivery of the mail: “He has in his control near fifty thousand appointments. . . . Is this no power? Can fifty thousand men do no harm in influencing public opinion? In circulating incendiary documents? In making the mail a sluice of poison and death?”⁵⁸ Across the South, secessionists condemned in advance Republican efforts to engage in partisan activity in the region. Speaking to a mass meeting in New Orleans, P. E. Bonford said: “I fear their covert more than their overt acts. They have their custom houses and post-offices to fill with their emissaries, who will be committed to . . . insidiously furthering the interests of their own party.”⁵⁹ Every administration made appointments with an eye toward advancing its party’s interest, but disunionists asserted a qualitative difference in a Republican one doing so in the South. Henry Wise, a former governor of Virginia, claimed the Republican party had already committed overt acts:

It has published its plan for the abolition of slavery. . . . to establish presses—to use the vote and ballot . . . to appeal to non-slaveholders and detach them from slaveholders in slave States . . . and finally by the Executive, by Congress, by the postal service, and in every way to agitate . . . until the Southern States shall . . . emancipate their slaves.⁶⁰

The term “overt act” was then generally understood to mean an indisputable violation of the Constitution against slavery. By redefining it to include efforts to persuade southerners to abolish

⁵⁷ *Lancaster Ledger*, October 3, 1860. The candidate was J. Williams.

⁵⁸ “The Issue,” *Savannah News* in *Yorkville Enquirer*, November 15, 1860. The writer vastly overestimated the number of appointments which Lincoln had at his disposal. As noted above, the federal government had 36,672 paid civilian employees in 1861.

⁵⁹ “Southern Rights Mass Meeting,” *New Orleans Daily Crescent*, November 24, 1860.

⁶⁰ “Overt Acts,” *Charleston Daily Courier*, November 13, 1860. Also printed as “Overt Acts of Northern Aggression,” *DeBow’s Review* 30 (January 1861): 116-117.

slavery, Wise demonstrated slaveholders' intolerance of any opposition to their control of public discourse. Weeks after the election, Texas Supreme Court justice Oran M. Roberts predicted that the Lincoln administration would put slavery "upon a sure basis of gradual extinction" with a variety of means. He specified: "By the use of the patronage and influence . . . of the Federal government . . . to discriminate against slave labor, and the ownership of slaves,—by protecting a free press and free speech, so as to foment agitation, discord and division in the slave States." Roberts asked why the South should wait for an overt act after Lincoln's inauguration, arguing that the means of attacking slavery he described were "deliberate and dangerous violations of the Constitution." There would be no direct assault on slavery, he claimed; the Republicans would conduct "a protracted siege." The party's control of the executive branch ensured the "ultimate consummation" of its plan to abolish slavery, Roberts concluded, unless the South seceded.⁶¹ In the minds of immediate secessionists, slavery would not survive if the Republican party were given the opportunity to proselytize southern nonslaveholders.

Lincoln's victory caused a change of heart among some erstwhile southern unionists who had argued his election alone would not justify secession. These converts adopted the claim that Lincoln could use federal patronage to organize his party in the slave states. Editorials printed in the *New Orleans Daily Crescent* in the weeks surrounding the election provide one example of this turnabout. On November 1, the *Crescent* criticized a recent speech of William Yancey, in which the Alabama fire-eater advocated immediate secession and predicted that southern whites would take office under Lincoln.⁶² It declared: "Supporters of Mr. Breckinridge can find in Mr. Yancey's speech but little . . . to sustain the positions which some of their other leaders have taken." The South, it advised, should wait until the commission of an overt act "put us fully in the right" before seceding.⁶³ Republican victory altered the *Crescent's* view, and on November 9 it

⁶¹ *Speech of Judge O. M. Roberts of the Supreme Court of Texas, at the Capitol, on the 1st Dec., 1860, Upon the "Impending Crisis"* (N.p., n.d.), 24-27.

⁶² Some of Yancey's remarks are quoted earlier in this chapter. For details, see "The Yancey Demonstration Last Night," *New Orleans Daily Crescent*, October 30, 1860.

⁶³ "Mr. Yancey's Speech," *New Orleans Daily Crescent*, November 1, 1860.

stated: "Union men of yesterday are . . . consulting with open and avowed disunionists, as to the best means of protecting the South."⁶⁴ The next day, New Orleans resident M. Gillis noted its abrupt change in a letter: "The papers that supported Bell & Douglas are now[,] some of them[,] most rabid secessionists. Look into the *Crescent* which I send you."⁶⁵ The newspaper continued in that vein, arguing on November 15 that Lincoln could sow dissension in the South. It argued that within six months of his inauguration, all federal property "will swarm with Abolition workmen and Abolition officials." That state of affairs, it predicted, "will build up an Abolition party in our midst, disturb our 'domestic tranquillity,' and endanger our 'general welfare,' . . . without violating any *provision* of the Constitution."⁶⁶ In two weeks, the *Crescent* went from advocating that the South wait for an overt act to claiming that Lincoln could undermine slavery without committing that act. Days later, the *Crescent* completed its transformation, printing an editorial titled "Overt Acts," which cautioned:

The process will be slow and gradual . . . until the common foe holds every place of power, honor and emolument in our midst, and has built up a formidable organization in all the Southern States . . . sustained and encouraged, and protected . . . by the whole authority of the General Government.

That result, it contended, was likely if the South waited for an overt act before seceding. It also warned that Republicans emphasized the disparity between slaveholders and nonslaveholders and hoped to incite conflict between them. The *Crescent* discounted potential class conflict but worried that "when Lincoln's army of officials swarms all over the South, there is no foreseeing what might happen."⁶⁷ In Georgia, the *Augusta Daily Constitutionalist*, which favored Douglas, joined in adopting the claim that Lincoln's patronage threatened the South. On December 1, it declared: "The first thing to resist, is the influence, bribery and demoralising effect of a Black

⁶⁴ "Present State of the Country," *New Orleans Daily Crescent*, November 9, 1860.

⁶⁵ M. Gillis to St. John R. Liddell, November 10, 1860, Moses and St. John Richardson Liddell Family Papers, LSU.

⁶⁶ "Mr. Douglas' Letter," *New Orleans Daily Crescent*, November 15, 1860, in Dumond, ed., *Southern Editorials*, 240.

⁶⁷ "Overt Acts," *New Orleans Daily Crescent*, November 20, 1860.

Republican Administration. . . . we must get out, to keep out or resist improper influence.”⁶⁸ The rapid conversions of these unionist newspapers suggest that many moderates in the cotton states were no more confident of nonslaveholders’ loyalty than were long-time secessionists.

In South Carolina, where most of the political leadership welcomed a chance to leave the Union, secessionists emphasized Lincoln’s ability to foment internal conflict. On election day, congressman Milledge Luke Bonham told a Columbia audience: “We should not postpone the day until Lincoln is inaugurated and his agents put into the post office. If our own citizens. . . . take office under him, it would not be long before they would have a party formed against us.” Senator James Chesnut, Jr. warned against Republican control of the postal service: “They will establish post offices at every cross road, and fill them with the minions of Black Republican power. Your cars and your coaches will groan beneath the weight of noxious matter.”⁶⁹ Just before South Carolina held its December 6 vote for a special convention, Chesnut and Isaac W. Hayne addressed a meeting at Yorkville, in the upcountry. Chesnut, who had already resigned his Senate seat, described the threat posed by northerners:

They have flooded the South with incendiary publications; they have taught the lessons of antagonism from the rostrum, by lectures, in their schools, from the pulpit, and by every other method possible, and they openly declare their intention to employ the government, its patronage, the Courts, the laws, the Post-office, and all its other machinery, for the same end.

Later in his remarks, Chesnut told the audience that the peculiar institution could not withstand such a propaganda campaign: “Slavery cannot survive the four years of an administration, whose overwhelming influences are concentrated and brought to bear against it.” Hayne agreed, telling the meeting it was “better to risk everything than delay,” because four years of agitation would be disastrous. Before Lincoln’s term expired, Hayne claimed, “the patronage of the government would create a party amongst us—enemies growing up at home—making action ten-fold more

⁶⁸ “The Argument is Exhausted—Stand by Your Arms,” *Augusta Daily Constitutionalist*, December 1, 1860, in Dumond, ed., *Southern Editorials*, 283.

⁶⁹ *Charleston Daily Courier*, November 7, 1860.

difficult.”⁷⁰ In the first state to leave the Union, leading proponents of secession revealed their distrust of nonslaveholders by repeatedly arguing that slavery would collapse under an assault of free-soil persuasion.

On two occasions, Georgia governor Joseph E. Brown combined warnings about federal patronage and free expression with an appeal for nonslaveholders’ support. In a message to the legislature on November 7, Brown recommended that it call a state convention in the event of a Republican victory. He cited the danger from patronage and a free press in pushing for secession before the inauguration. When Lincoln took office, Brown said, “a portion of our own citizens, must if possible, be bribed into treachery to their own section, by the allurements of office.” In addition, he claimed, the Republican party would “flood the country with inflammatory abolition documents.” Later, Brown revealed which southerners he thought were vulnerable to patronage and persuasion, when he argued that slavery benefited those poor whites who did not own slaves. He told lawmakers that poor whites would “never permit the slaves of the South to be set free among them.”⁷¹ On November 20, Georgia legislators heeded Brown’s advice and passed a bill providing for a state convention to begin January 16, 1861, with the election of delegates set for January 2.⁷² Three weeks before that election, on December 11, Brown issued a letter declaring his “views upon the issues involved.” He said Lincoln’s election justified secession, predicted abolition if the South remained in the Union, and described the effects which “the abolition of Slavery will have upon the . . . non-slaveholders and poor white laborers.” Brown claimed that southern acquiescence in Lincoln’s administration would lead to “the total abolition of slavery, and the utter ruin of the South, in less than twenty-five years.” He elaborated:

If Mr. Lincoln places among us his . . . Post Masters, Custom House officers, etc., etc., by the end of his administration, with the control of these men, and the distribution of public patronage, he will have succeeded in dividing us to an extent that will . . . prepare us to tolerate the running of a Republican ticket, in most of the States of the South, in 1864.

⁷⁰ “Meeting of the People,” *Yorkville Enquirer*, December 6, 1860.

⁷¹ Allen D. Chandler, ed., *The Confederate Records of the State of Georgia*, vol. 1 (Atlanta: Chas. P. Byrd, 1909), 47, 55-56.

⁷² William W. Freehling and Craig M. Simpson, eds., *Secession Debated: Georgia’s Showdown in 1860* (New York: Oxford University Press, 1992), xviii.

If the Republican party secured as little as five to ten thousand votes in each state, Brown argued, it could hold the balance of power between the two major parties in the South. Republicans would then press on to their goal of abolition by incremental measures. After describing the threat, Brown stated the mantra of immediate secessionists: "If we fail to resist now, we will never again have the strength." The largest portion of his letter, examined below, dwelled on the alleged impact of abolition upon poor whites.⁷³ By issuing a warning about federal patronage alongside propaganda directed at nonslaveholders, Governor Brown established a direct relationship between Republican persuasion and the uncertain loyalty of poor whites. Nonslaveholders were the people secessionists expected to take office under Lincoln and they were the citizens from whom incendiary documents must be kept.

Other prominent Georgians joined Governor Brown in pointing out the danger posed by Republican efforts to spark class conflict and Lincoln's impending control of federal patronage. In an address to the state legislature, Senator Robert Toombs complained: "*For twenty years this party has, by abolition societies, by publications . . . by the public press, through the pulpit and their own legislative halls, and every effort . . . [tried] to excite discontent between the different classes of our people, and to excite our slaves to insurrection.*" Their attempts to date had been restricted by a lack of political power, but when Lincoln took office, Toombs warned, the Republican party "*will have possession of the Federal executive with its vast power, patronage, prestige of legality, its army, its navy, and its revenue.*" The combination of its intent to sway southern nonslaveholders and the party's looming control of the executive branch, he asserted, mandated secession before Lincoln's inauguration.⁷⁴ Another proponent of immediate secession, Howell Cobb, had served as Speaker of the House, governor of Georgia, and Secretary of the Treasury under Buchanan. In a December 1860 public letter, Cobb rejected the unionist claim that

⁷³ "Letter from Gov. Brown," *Milledgeville Federal Union*, December 11, 1860.

⁷⁴ *Speech of Hon. Robert Toombs on The Crisis*, 11, 13.

Congress, in which opponents of the Republican party held the majority, would leave the Lincoln administration powerless to harm the South. He asked:

Can that majority in Congress control the power and patronage of President Lincoln? . . . Can it prevent the use of that patronage for the purpose of organizing in the South a band of apologists—the material around which Black republicanism hopes during his four years to gather an organization in the Southern States to be the allies of this party?⁷⁵

Two months later, Cobb chaired the Montgomery convention which formed the Confederacy, another indication that fear of the Republican party's potential appeal to nonslaveholders guided the actions of the highest circles of secessionist leadership.

Across the South, secessionist politicians and writers highlighted the threats of patronage, free speech, and a free press for the duration of the crisis. In November, Alabama congressman Jabez L. M. Curry told his constituents the Republican party “is based upon opinions which will subvert, if unresisted, the foundations of the social structure of the fifteen southern States.” He claimed it would be “suicidal” for the South to await an overt act before it seceded. Explaining, Curry predicted the development of a southern Republican party: “Federal officers are to be appointed in all the Southern States, who will first be apologists for Lincoln, then palliate and justify and approve, and then become little centres or nuclei for Republican organizations.” The ultimate result, he concluded, would be “emancipation of negroes and equality with them at the South.”⁷⁶ Like Governor Brown, Curry devoted much of his speech to nonslaveholders' interest in slavery, showing which class he thought liable to Republican subversion. In his pamphlet *The Doom of Slavery in the Union*, John Townsend, a member of the South Carolina Senate, said Lincoln would use so-called “peaceful and constitutional” tactics against slavery, which he deemed “immeasurably a more dangerous scheme than that of open assault.” Nothing could

⁷⁵ Howell Cobb, “Letter . . . to the People of Georgia,” in Jon L. Wakelyn, ed., *Southern Pamphlets on Secession: November 1860–April 1861* (Chapel Hill: University of North Carolina Press, 1996), 97.

⁷⁶ Jabez L. M. Curry, “The Perils and Duty of the South, . . . Speech Delivered in Talladega, Alabama, November 26, 1860,” in Wakelyn, ed., *Southern Pamphlets*, 35, 38, 44–45, 46–49.

“save the South from . . . this scheme,” he contended, “but her speedy separation.”⁷⁷ Townsend also included an appeal to nonslaveholders in his pamphlet.⁷⁸ Another secessionist pamphleteer, William H. Holcombe, argued that the likelihood of Republican overtures to southern whites necessitated immediate secession. He wrote:

When the power, the patronage, the prestige of the federal government are wielded against slavery; when Southern men take office under it . . . when a free-soil sentiment percolates through the South itself; when . . . the integrity of Southern opinion [is] destroyed . . . what must be the inevitable result? Nothing hasty or violent will be attempted. The iniquity will be accomplished under . . . the present Constitution.⁷⁹

These immediate secessionists were not concerned with States’ Rights or the Constitution; they simply believed that slavery would be abolished by the decision of a majority of southern whites if the free-soil ideology circulated in the slave states. They agitated for disunion solely to protect and maintain the peculiar institution.

The specter of Hinton Helper’s appeal to southern nonslaveholders, and the Republican endorsement of it, lurked in the background of all secessionist claims that Lincoln could destroy slavery without an overt act. Southerners vividly recalled the controversy of the previous winter, and the slightest allusion to it served to dredge up fears of class conflict. In November 1860, a South Carolina resident cited Helper in advocating immediate secession. He rejected the idea of “waiting for an overt act,” claiming that Lincoln agreed with the Republican congressmen who endorsed the “atrocious Hel[p]er book!” If the South remained in the Union under the Lincoln administration, he asked, “would not every post office and other office throughout the South be filled with rabid abolitionists?” The man worried about the “influences as would then be wielded

⁷⁷ John Townsend, *The Doom of Slavery in the Union: Its Safety out of It* (Charleston: Evans and Cogswell, 1860), 6.

⁷⁸ Just before South Carolina held its convention election, the *Charleston Courier* wrote that Townsend’s pamphlets had “done much in bringing about the remarkable and gratifying unanimity which pervades the State and the South.”: *Charleston Daily Courier*, December 1, 1860. Townsend also wrote *The South Alone, Should Govern the South*. He won election to the state convention, enabling him to be instrumental in the action he advised.

⁷⁹ William H. Holcombe, *The Alternative: A Separate Nationality, or the Africanization of the South* (New Orleans: Delta Mammoth Job Office, 1860), 9-10. Holcombe’s article also appeared in *Southern Literary Messenger* 32 (February 1861): 81-88.

by this infernal fanatic crew.”⁸⁰ In Tennessee, which had a large nonslaveholding population resistant to disunion, secessionists often referred to Helper. West H. Humphreys, judge for the three U.S. District Courts in the state, predicted: “Incendiaries are to be set to work in every Southern State, to arouse the non-slaveholder against the slave-holder.” He alluded to Helper’s book, claiming that such a plan was “recommended by sixty-five members of Congress” and favored by Republicans hoping to “accomplish their work without a direct act of emancipation by Congress.”⁸¹ At Knoxville in December, Landon C. Haynes, a former Speaker of the Tennessee House, declared that Lincoln would use patronage to create class division in the South. Haynes named one cause of the crisis: “The attempt of such men as Helper and his endorsers . . . to make a spirit of antagonism and hostility between the slaveholding and non-slaveholding citizens of the Southern States, to be aided by the influence of the patronage of an anti-slavery Executive.” Like many other secessionists, he issued this warning in tandem with an explanation of why “the non-slaveholders of Tennessee . . . have the deepest and most vital interest in the institution of slavery.”⁸² In the Tennessee House, R. G. Butler tried to prevent anyone who might seek to instill class consciousness among southern nonslaveholders from being appointed to federal office. He introduced a resolution that would have instructed Tennessee’s senators in Washington to “vote against the confirmation of any man to office who endorsed . . . the Helper book.”⁸³ In 1854, as noted above, Mississippi lawmakers sought to make free-soil ideas a litmus test for federal patronage; in 1861 the suggested test had become approval of *The Impending Crisis*. Hinton Helper and his book flitted about the southern consciousness during the secession crisis just as much as the ghost of John Brown.

⁸⁰ Undated clipping with mss. annotations, ca. December 1860, from *Washington Constitution*, Colleton District Scrapbook, SCL.

⁸¹ “Reply,” *Nashville Union and American*, January 4, 1861.

⁸² “Substance of a Speech . . . by Landon C. Haynes,” *Nashville Union and American*, January 3, 1861.

⁸³ *House Journal of the Extra Session of the Thirty-third General Assembly of the State of Tennessee, Which Convened at Nashville, on the First Monday in January, A. D. 1861* (Nashville: J. O. Griffith, 1861), 57-58.

In the South Carolina House, the Committee on Federal Relations discussed Lincoln's ability to undermine slavery without overtly violating the Constitution. A minority report of the committee, authored by lowcountry representative Joseph J. Pope, Jr., emphasized the dangers from patronage and antislavery publications. Pope contended that the "Abolition party" had not run its own candidate because it was happy with Lincoln. "Their leaders," he wrote, "advised them that the South may be destroyed by indirect means, by secret contrivances, by disguises under the Constitution." Pope elaborated:

The Executive is the most dangerous department of the Government. It reaches its hands into every Slave State, and with its thousands of officials, sits unsuspected in every village and hamlet. Mr. Lincoln. . . . has announced that "this country cannot remain half slave and half free". . . . Such a President . . . now proposes to . . . hold our forts . . . to hold our arsenals . . . to appoint the thousands of post masters through whose hands the insurrectionary publications of the enemies of the South will quietly and secretly diffuse themselves. With such power . . . it will not be necessary to resort to overt acts.

Because of the looming threat, Pope concluded, the South should immediately secede from the Union. The House tabled his report on December 20, 1860, the day South Carolina's convention passed its ordinance of secession and placed the state beyond the peaceful reach of the executive branch.⁸⁴ A majority of the committee's members did not agree with Pope's strident warning, but they did expect slavery to retreat from the upper South in the face of Republican pressure. Their report declared: "The agitation will penetrate the border States, which, wearied out by constant agitation, or overcome by other means, will go one after another to our enemies."⁸⁵ In the state which formed the vanguard of the secession movement, lawmakers feared Lincoln's power to weaken slavery through political persuasion.

Some cotton states propagated warnings about patronage and free expression through the commissioners they sent to other states. During the secession crisis, the states of the lower South appointed representatives to their fellow slave states to explain their actions and try to convince them to leave the Union as well. The commissioners generally made their case to the convention

⁸⁴ Report 1860-258, (pp.) 7-10, in S165005: Committee Reports, SCDAH.

⁸⁵ Report 1860-259, (p.) 2, in S165005: Committee Reports, SCDAH.

or legislature of the state they were sent to. Leonidas Spratt, South Carolina's commissioner to Florida, told its convention that northern politicians were obliged to attack slavery and would impose that obligation on federal officials. He said: "The candidate, to be elected, must promise to act against slavery. The officer, to retain his office, must redeem the pledges of the candidate." Describing the factors that enabled South Carolina to secede, Spratt included the resignations of its federal officers after Lincoln's election. "It was a fortuitous circumstance," he declared, "that, the Federal officers within our State were too spirited to hold commissions . . . to perform the service aggression might exact."⁸⁶ Before his state seceded, Alabama commissioner Stephen F. Hale wrote to Kentucky governor Beriah McGoffin on December 27, 1860. Hale combined warnings about patronage and persuasion with an appeal to Kentucky's nonslaveholders. "The slaveholder and non-slaveholder," he wrote, "must ultimately share the same fate . . . degraded to a position of equality with free negroes." Hale rejected the idea of waiting for an overt act:

Shall we wait until our enemies shall possess themselves of all the powers of the Government? until . . . Abolition Postmasters [are] in every town, secret mail agents traversing the whole land, and a subsidized Press established in our midst to demoralize our people?⁸⁷

These accredited representatives delivered the sentiments of their states' leadership when they cautioned about federal patronage and persuasion in trying to induce their neighbors to secede.

The southern public imbibed secessionist warnings, and local meetings passed resolutions decrying Lincoln's expected use of free expression and patronage against slavery. Residents of Gilmer County, Virginia, said northerners interfered with the South by publishing "inflammatory and seditious documents, circulated among our people for the purpose of stirring up sedition and inciting insurrection." They asked the state legislature to provide for a convention at once.⁸⁸ In Warren County, North Carolina, a public meeting resolved that by electing Lincoln, the northern

⁸⁶ "Address of the Hon. L. W. Spratt, Commissioner of South Carolina, Before the Convention of the People of Florida," *Charleston Mercury*, January 12, 1861.

⁸⁷ William R. Smith, *The History and Debates of the Convention of the People of Alabama, Begun and held in the City of Montgomery, on the seventh Day of January, 1861; in which is preserved the speeches of the secret sessions, and many valuable State papers* (Montgomery: White, Pfister and Co., 1861), 380, 382-383.

⁸⁸ Resolutions of Meeting in Gilmer County, January 21, 1861, LP, LVA.

people “manifested their unrelenting hostility to . . . negro slavery,” and showed a “determination to carry that hostility into every department of the Federal Government, and to exert all of its patronage and influence . . . for the ultimate overthrow of our social organization.”⁸⁹ Residents of Madison County, Tennessee ushered in the new year by stating their concerns about Lincoln’s administration. On January 1, 1861, they predicted: “Its officers and advocates will be spread over the South—free speech and a free press will be invoked to assail our institution.”⁹⁰ By echoing secessionist fears of patronage and persuasion, these meetings demonstrated that such cautionary statements resonated with a portion of the southern public.

Secessionists enjoyed a series of triumphs in the deep South, carrying seven states out of the Union by February 1, 1861. In the upper South, however, their task was far more difficult, as unionists were more numerous and better organized. Proponents of secession in Virginia, North Carolina, and Tennessee raised the alarm about Republican patronage and persuasion in an effort to sway unionists. In Virginia, “Bland” wrote a series of letters to the *Richmond Examiner* which were collected in a pamphlet. He predicted there would be no “law of Congress immediately to abolish slavery,” and discussed the “potent elements” to be used instead. First, Bland identified “*Agitation*,” by the means of “Incendiary documents . . . preaching, and lectures and speeches flooding the country.” Next, he cited the power of appointment as an antislavery weapon of the Lincoln administration:

It will attempt to split the South by the wedge of patronage. It will put its emissaries in the post offices, in the seats of influence, in the posts of honor . . . it will offer bounty to him who least loves the South, and will go farthest to betray her. . . . the weaker vessels, those who love power or plunder more than the South, will readily find favor in the eyes of her enemies.

Bland argued that southerners would not immediately convert to abolitionism, but evolve to that standpoint: “Men, now comparatively true, will first apologize, then excuse, then defend, then

⁸⁹ Anonymous newspaper clipping, n.d., in “Union Meetings,” GA, 1860-61, NCDH.

⁹⁰ “Meeting in Madison County,” *Nashville Union and American*, January 9, 1861.

embrace, the dogmas of a creed which must destroy his section.”⁹¹ Senator Thomas Clingman of North Carolina tried to influence his state’s convention election, held on February 28, 1861, by distributing one of his speeches as a pamphlet. He predicted that if the South “submitted” to Lincoln’s election, it would not resist any “overt acts” which might follow. Executive patronage, Clingman warned, could be used to exploit underlying differences between southern whites:

There are, in all communities, discontented elements. . . . I have no doubt that, with all the patronage and all the power which a Republican President could bring to his aid, with a free post-office distribution of abolition pamphlets, you would see a powerful division in portions of the South.⁹²

In North Carolina, many nonslaveholders were “discontented” because of slave owners’ refusal to permit the ad valorem taxation of slaves. Only days before Tennessee held its convention vote, secessionist candidate W. S. Flippin predicted the advent of a Republican party in the state if it remained in the Union. He believed four years would suffice “to build up a large abolition party in Tennessee,” and warned that “in the next Presidential election there will be a Black Republican ticket run in Tennessee, and in all the border slave States.” If Republican candidates were “openly run in Tennessee and advocated upon the stump,” Flippin asked, “what will negro property be worth?” He followed the example of many secessionists by accompanying these warnings with an appeal to the state’s nonslaveholders.⁹³

Virginians rejected precipitate action on February 4, 1861, and roughly two-thirds of the delegates elected to the state convention opposed immediate secession.⁹⁴ The convention met on February 13 and dragged on for weeks without adjourning, giving secessionists a platform. They argued that Lincoln’s administration would foment dissension in Virginia and eventually build a Republican party in the state. Jeremiah Morton said the lure of public office would corrupt many

⁹¹ *A Southern Document. To the People of Virginia. The Great Issue! Our Relations To It* (Wytheville, VA: D. A. St. Clair, 1861), 17-19.

⁹² Thomas L. Clingman, “Speech on the State of the Union, Delivered in the Senate of the United States, February 4, 1861,” in Wakelyn, ed., *Southern Pamphlets*, 287, 289-290.

⁹³ “Circular of W. S. Flippin,” *Nashville Union and American*, February 6, 1861. Tennessee held its election on February 8, 1861.

⁹⁴ Link, *Roots of Secession*, 226-227.

Virginians, inducing them to assimilate their opinions to those of “the powers that be.” Each man who took office under Lincoln would, he said, “form a nucleus of sympathizing friends.” Morton concluded that if Virginia remained in the Union, the Republican party would become a force in the state: “In the next Presidential canvass—if not in the next, in the second—certainly in the third—you will find Black Republicans upon every stump, and organizing in every county.”⁹⁵ On the day of Lincoln’s inauguration, John R. Chambliss introduced a preamble and resolutions in favor of secession. The preamble said that the accession of a Republican president, “clothed with the patronage and power incident to the office, including the authority to appoint all the post-masters and other officers . . . is itself a standing menace to the South.”⁹⁶ Twelve days later, George W. Randolph rejected the idea that the South should await a conservative reaction in the North. In doing so, he virtually conceded the struggle of ideas to the Republicans, stating:

We are told that we should give the Northern people time to change. . . . Sir, they are much more likely to make us wrong than we are to bring them right. Their anti-slavery sentiment is as old as slavery itself. . . . The opposite sentiment with us is recent. . . . To dash it now against the iron-bound fanaticism of the North would be the height of folly.⁹⁷

Randolph encapsulated secessionists’ belief that, in an open contest, the free-soil ideology would vanquish the proslavery argument. On March 20, James P. Holcombe claimed the constitutional amendments being proposed at the convention would not end attacks on slavery, telling delegates that one “means of assault under . . . the Constitution” would be “stimulating discussion and hostility in your own community.” The Republican party, he continued, would not “legislate in reference to this institution in the States” but rather favored “agitation for its ultimate removal by the action of the States themselves.” To achieve that goal, he stated, “Executive patronage [will] be prostituted . . . to reward the active enemies of slavery; in the South.”⁹⁸ Outside the state convention, secessionists echoed the concerns of their allies within. In the Virginia Senate, slave

⁹⁵ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 1:256-257.

⁹⁶ *Journal of the Acts and Proceedings of a General Convention of the State of Virginia*, 79, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*.

⁹⁷ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 1:757-758.

⁹⁸ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 2:86-88, 92.

owner Charles Bruce discussed the “insidious influences” which Lincoln’s administration could “employ for the destruction of slavery in the Border States.” He declared:

Through its patronage and the rewards of office, it might win over in the Border Slave States such men as might be prepared to prove their fealty to abolition rule by treachery to their institutions . . . under the guise of protecting free speech, it might grant immunity to abolition lecturers in scattering their poison throughout the land.⁹⁹

By late March, the *Richmond Enquirer* believed the corrupting influence of federal patronage was already beginning to undermine proslavery opinion. Enumerating the ways in which secession would help the state, the newspaper wrote: “It will arrest the freesoil tendencies and practices of 2000 federal office-holders in Virginia . . . and of twice or thrice as many aspirants for office.”¹⁰⁰ Secessionists fearful of the appeal that free-soil ideas could have for nonslaveholders chafed at remaining in the Union under a Republican president.

Before Lincoln’s inauguration, moderate southerners showed their concern about his use of federal patronage by asking him to clarify his intentions or voluntarily accept restrictions on his power of appointment in the slave states. In December, North Carolina congressman John A. Gilmer, a determined unionist, asked Lincoln to assuage his constituents’ “apprehensions of real danger and harm to them and their peculiar institution.” In addition to questions about slavery in the District of Columbia, the admission of new slave states, and the Fugitive Slave Law, Gilmer asked: “Whether by any policy, or any system of appointment to office, Slavery agitation, or by other ways or means, you would in any way, directly or indirectly, attempt to . . . impair the institution of slavery.”¹⁰¹ Days later, C. F. McCay of Augusta, Georgia, advised Lincoln to bring “two representative men” from the South into his cabinet and give them control of patronage and the delivery of mail in the slave states. Regarding patronage, he wanted Lincoln to “appoint no

⁹⁹ *Speech of Charles Bruce, on the Treasury Note Bill, Delivered in the Senate of Virginia, March 8th, 1861* (Richmond: Dispatch Job Office, 1861), 8-9.

¹⁰⁰ “What Good will Secession Do?” *Richmond Enquirer* in *Huntsville Democrat*, March 27, 1861.

¹⁰¹ John A. Gilmer to Abraham Lincoln, Dec. 10, 1860, Abraham Lincoln Papers, LC. Lincoln replied: “I do not expect to enquire for the politics of the appointee, or whether he does or does not own slaves. I intend in that matter to accommodate the people in the several localities.” In keeping with his policy of public silence on such issues, however, Lincoln insisted his response be kept “Strictly confidential.”: Lincoln to John A. Gilmer, Dec. 15, 1860, Abraham Lincoln Papers, LC.

man to office south of Washington except on the approval of these men & to remove all that they recommend.” That would have prevented Lincoln from using federal patronage to build his party in the slave states. McCay also called upon Lincoln to “adopt or approve of no regulations with regard to the Post Office,” unless approved by the two southerners, “particularly with regard to the distribution of documents in the States that are in violation of the local laws.” In short, the two southerners could prevent the delivery of mail that a slave state might deem incendiary. McCay’s final recommendation showed his desire to protect slavery from any opposition: “Do nothing in any way affecting . . . slavery or which in the opinion of these two officers affects slavery unless with the approbation of these two officers.”¹⁰² Lincoln was asked to collude in the interdiction of antislavery mail and to perform an unprecedented act of self-abnegation by accepting a bar on extending his party into the South.

During the secession crisis, Congress debated various compromise proposals intended to permanently remove the slavery issue from national politics. In the Senate, John J. Crittenden of Kentucky submitted a proposal which consisted of several “unamendable” amendments to the Constitution. Among other things, Crittenden’s plan would have “guaranteed slavery in the states against future interference by the national government,” and used the Missouri Compromise to demarcate freedom and slavery in the territories.¹⁰³ On January 11, 1861, days before the Senate rejected the proposal, Virginia’s Robert M. T. Hunter said the slave states required constitutional guarantees against Republican misuse of patronage. Claiming that Lincoln had been elected on a platform of hostility to the South, he asked:

Is it surprising, then, that the southern States should say: “it is not safe for us to remain longer . . . under the rule of a government whose President may misuse his patronage for the very purpose of stirring up civil strife among us, and also for the purpose of creating civil war in our midst?”

¹⁰² C. F. McCay to Abraham Lincoln, December 18, 1860, Abraham Lincoln Papers, LC.

¹⁰³ James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 252-254. The Senate rejected Crittenden’s plan by a vote of 25 to 23 on January 16, 1861.

As proof of a Republican plan to sow dissension in the South, Hunter cited the endorsement of *The Impending Crisis*: “A large portion . . . of the Republican leaders . . . recommended a book which proposed the extinction of slavery by such means.” With that party about to control the executive branch, he argued, the South must secede unless it received constitutional guarantees “of a kind that will stop up all the avenues through which they have threatened to assail” slavery. Hunter suggested a litany of amendments to insulate slavery from congressional interference, mandate the return of fugitive slaves, and accord protection to slave property in the territories. Revealingly, he said: “I do not believe that these guarantees alone would protect the social system of the South from attack, and perhaps overthrow.” Hunter also insisted on guarantees of power to the slave states, warning that, if not adopted, “the South would still be subjected to the danger of an improper use of the patronage of the Executive.” He recommended the creation of a dual executive, with each section electing a president. Patronage would require the concurrence of both presidents, and “no person should be appointed to a local office in the section” of a president, without his agreement or the approval of a majority of senators from that section.¹⁰⁴ Only a dramatic restructuring of the government, Hunter implied, would keep slavery from being abolished by political activity.

Many southerners concurred in the need for constitutional amendments to stop Lincoln from using patronage to undermine slavery. In his opening message to the Virginia legislature on January 7, 1861, Governor John Letcher recommended several ways “to secure a satisfactory and permanent adjustment” of the sectional crisis. He included:

That the general government shall be deprived of the power of appointing to local offices in the slaveholding states, persons who are hostile to their institutions, or inimical to their rights—the object being to prevent the appointing power from using patronage to sow the seeds of strife and dissension between the slaveholding and non-slaveholding classes in the southern states.

¹⁰⁴ Robert M. T. Hunter, “Speech . . . on the Resolution Proposing to Retrocede the Forts . . . Delivered in the Senate of the United States, January 11, 1861,” in Wakelyn, ed., *Southern Pamphlets*, 263-267.

Later in his remarks, Letcher reflexively argued that nonslaveholders supported slavery, but his strictures on patronage belied that assertion.¹⁰⁵ Missouri's lieutenant governor, noting concerns that Lincoln would "send a swarm of Abolition officers over the South to practically encourage insurrection," called for the disposition of patronage to be "vested in the Representatives of the respective states." Congressional delegations would appoint the officers in their state, and the president would have only "the power of removing them for good cause."¹⁰⁶ John R. Howard of Lundley, Missouri, suggested a number of constitutional changes, including that "the power of turning men out of office . . . for anything but misconduct in office, breach of duty, or proven incapacity—should be taken away from the President."¹⁰⁷ In the Virginia convention, John Tyler introduced a proposition to divide senators into two classes, one representing the free states and one the slave states. Approval of a majority of each class would be needed for "appointments to office wherein the advice and consent of the Senate is required."¹⁰⁸ That would have given the slave states a veto on nominations to the cabinet, the Supreme Court, and the most lucrative and influential patronage jobs. All of the foregoing ideas would, in varying degrees, have stopped Lincoln from appointing critics of slavery to federal office in the South, and perpetuated slavery, Democratic control of the South, and the concomitant Republican exclusion from the region.

In addition to seeking a change in the distribution of federal patronage, many southerners tried to extend their region's censorship of antislavery opinion into the North. They demanded that abolitionists stop trying to proselytize southern nonslaveholders and that the northern states prohibit antislavery expression within their own borders. For these southerners, the perpetuation of slavery required a nationwide circumscription of essential civil liberties. A public meeting held

¹⁰⁵ *Doc. No. 1. Message of the Governor of Virginia, and Accompanying Documents* (Richmond: William F. Ritchie, 1861), xx-xxiii.

¹⁰⁶ *Speech of Lieut. Gov. Reynolds, on the Preservation or Reconstruction of the Union. Delivered in the Senate of Missouri, January 17th, 1861* (St. Louis: George Knapp, 1861), 4.

¹⁰⁷ John R. Howard to Andrew Johnson, February 1, 1861, Andrew Johnson Papers, LC.

¹⁰⁸ *Appendix to the Journal, commencing with a Journalized Record of the Proceedings in Committee of the Whole upon Federal Relations*, 127, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*.

in Craven County, North Carolina on December 12, 1860, passed a resolution stating: "To preserve a safe and friendly Union it is necessary that the North . . . should neither permit its people or representatives to agitate questions which bear injuriously upon our rights of property in slaves."¹⁰⁹ On that same day, Texas senator Louis T. Wigfall harangued the Republican side of the chamber, insisting that the stifling of antislavery opinion was a necessary condition to the continued union of North and South. He told them the South would consider remaining in the Union, "if they will assure us that Abolition societies shall be abolished; that Abolition presses shall be suppressed; that Abolition speeches shall no longer be made." Meeting with laughter, Wigfall imperiously reiterated his demand for self-censorship: "You will have to abolish your Abolition societies, if you expect to live long in our company." States, he said, were responsible for the conduct of their citizens, and his ultimatum reflected "the feeling and determination" of the people of Texas. Wigfall made two demands of the Republican party: "You shall not publish newspapers and pamphlets to excite our slaves to insurrection. You shall not publish newspapers and pamphlets to excite the non-slaveholders against the slaveholders or the slaveholders against the non-slaveholders."¹¹⁰ Preventing such documents from reaching slaves guarded against insurrection, but keeping them from nonslaveholders served only to maintain the hegemony of slaveholders. Wigfall's words demonstrate that keeping antislavery documents from southern nonslaveholders was an essential part of the secessionist agenda. The *Montgomery Mail* printed an anonymous man's suggestion for the basis of a compromise, which included antislavery expression among the southern grievances against the North. The writer wanted Congress to make it "treason" for anyone to introduce the subject of slavery into its proceedings. He also asked for a law "making it piracy for any man to circulate incendiary matter, written, printed or verbal, in any form," with life imprisonment for offenders.¹¹¹

¹⁰⁹ "Craven County Meeting," in "Union Meetings," GA, 1860-61, NCDAH.

¹¹⁰ *Congressional Globe*, 36th Cong., 2nd sess., 72-73.

¹¹¹ "Something Like A Compromise," *Montgomery Mail* in *Spartanburg Carolina Spartan*, January 3, 1861. The writer's other suggestions included hanging abolition leaders as traitors, the repeal of laws nullifying the fugitive

In the Virginia convention, the successors to Jefferson and Madison called for restricting freedom of expression in the North as a condition for remaining in the Union. On March 9, 1861, Henry Wise offered a substitute to the report of the Committee on Federal Relations, and argued that Virginia required “guarantees and assurances for the future.” He specified: “The protection of the domestic tranquillity . . . by suppressing the incendiary assemblages, associations and publications which have engendered the sectional wrongs and hatreds.”¹¹² Upon returning from the abortive “peace conference” in Washington, John Tyler delivered a report to the convention on March 14.¹¹³ He complained that the proposition agreed to by the conference provided “no restraint upon the circulation of Helper’s book or pamphlets through the Post Office.” Tyler asked the convention: “Can you restrain their circulation, in the absence of any provision, through the Post Office?” He implied that such restraint was impossible, saying “new men are in power.”¹¹⁴ Tyler wanted an explicit guarantee that no class-based indictment of slavery would reach nonslaveholders through the mail. One week before Fort Sumter, Walter D. Leake asserted that states’ inability to prevent circulation of *The Impending Crisis* necessitated severe restrictions on partisan activity in the free states. He tried to amend a pending resolution to say that, in the North, “there must be an entire abandonment of all political organizations based upon the principle of hostility to Southern institutions.” In support of that revision, Leake stated:

No amendment has been propounded by any gentleman, which would reach . . . the Helper Book—which had been put in circulation throughout the country for the purpose of stirring up the blood of the Northern people, and of the non-slaveholding portion of the Southern people, against the institution of slavery. No amendment of the Constitution of the United States can possibly reach a case of that kind.¹¹⁵

slave law, the return of all fugitive slaves, the surrender of John Brown’s “confederates,” the hanging of Lincoln and Hamlin, and the repeal of the existing tariff and of laws subsidizing fishing and shipping interests.

¹¹² “Substitute For the Report of the Committee on Federal Relations, presented by Mr. Wise, March 9, 1861,” in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 2, *Ordinances and Various Papers*.

¹¹³ The “Peace Conference” convened in Washington on February 4, 1861 and, after three weeks of debate, recommended a sectional compromise similar to the aforementioned Crittenden Plan. Tyler was chairman of the conference.: McPherson, *Battle Cry of Freedom*, 256-257.

¹¹⁴ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 1:670.

¹¹⁵ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 3:197-198.

For Leake, the need to keep Helper's book from nonslaveholders outweighed the freedoms of association and expression for northerners. His amendment lost by a 93 to 41 vote but garnered the support of most secessionists at the convention.¹¹⁶ Some Virginians recognized the enormity of these attacks on northern civil liberties and condemned them. Delegate Marmaduke Johnson argued that Leake's amendment would "take away the liberty of individual action and freedom of speech."¹¹⁷ In a January 1861 speech at Wheeling, George W. Thompson argued that the crisis would not be ended "by making exorbitant demands upon the North." As an example of an unreasonable demand, he cited: "That Northern Legislatures shall make it a penal offence for their citizens to write or speak or print in derogation of the right of property in slaves." He said the northern people would fight to the bitter end, "before they will permit the liberty of speech to be thus infringed."¹¹⁸ Thompson proved correct, and freedom of speech was an important motive for northerners during the war.

During the extended proceedings of the Virginia convention, unionist delegate John S. Carlile expressed his understanding of secessionists' concerns. He maintained that because the judicial and legislative branches of the federal government were friendly to the South, Lincoln was powerless against slavery. Carlile asked:

He can do no harm unless we suspect ourselves. Do we? If we do, I fear that seceding from the Union would not increase your confidence. Are we, the representatives of the people of Virginia, to distrust our constituents? . . . Are we to follow the example set us by these States of the Cotton Confederacy?¹¹⁹

Carlile ascribed the rage for immediate disunion in Virginia and the deep South to secessionists' belief that nonslaveholders were susceptible to free-soil persuasion and might be turned against an institution in which they lacked the direct interest of ownership. His assessment is supported

¹¹⁶ *Appendix to the Journal*, 46-48, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*.

¹¹⁷ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 3:200.

¹¹⁸ "Judge Thompson's Address," *Wheeling Intelligencer*, January 7, 1861.

¹¹⁹ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 2:315.

by voluminous secessionist testimony expressing concern about Lincoln's use of the nonviolent means of patronage and persuasion.

Propaganda Directed at Nonslaveholders

On November 12, 1860, secessionist Thomas R. R. Cobb told Georgia lawmakers: "Wait not till the grog-shops and cross-roads shall send up a discordant voice from a divided people, but act as leaders in guiding and forming public opinion."¹²⁰ His fellow disunionists heeded that recommendation by engaging in a concerted and sustained propaganda campaign dedicated to convincing nonslaveholders that their interests were jeopardized by the Republican ascendancy. Southerners who shared Alabama Democrat John Forsyth's opinion that "if a Black Republican President should be elected . . . this is no Union for slaveholders to live in," had to contend with the fact that nonslaveholders were a majority of the free population in every slave state.¹²¹ To take their states out of the Union, secessionists needed the support of nonslaveholders at the ballot-box and perhaps on the battlefield as well. During the fall campaign and after Lincoln's election, secessionist newspapers and politicians harped on the topic of nonslaveholders' loyalty to, and interest in maintaining, the institution of slavery. Their arguments borrowed from existing thought which elaborated how the economic and social interests of nonslaveholders dictated the preservation of slavery. Secessionists built their claims on the assumption that nonslaveholders' support was certain, but the volume and stridency of their appeals revealed a deep uncertainty.

In public, proslavery southerners generally described their society as one in which class differences were subsumed by a racial caste system that made all whites part of the ruling race. They often did not subscribe to that fiction, however, as evidenced by the movement to exempt slaves from liability for debt. Proslavery southerners revealed their fears about nonslaveholding

¹²⁰ Freehling and Simpson, eds., *Secession Debated: Georgia's Showdown in 1860*, 30.

¹²¹ *Camden Journal*, October 16, 1860.

whites on other occasions in the last years before the war. In November 1859, Virginia legislator John C. Rutherford recorded one instance in his diary:

In the presence of several bystanders, to day, Ch. Miers expressed the opinion that western Virginia was unsound on the slavery question, that there was great unsoundness in eastern Va; that . . . in his neighborhood, the sentiment . . . had been expressed by several: that they were not going to fight for other people's slaves.

Rutherford upbraided the man for his indiscretion and provided him with the orthodox view of nonslaveholders' position. He "replied . . . that if I thought as he did, I would not say so at such a time . . . but that really non slaveholders were socially no less interested than slaveholders in fighting the abolitionists."¹²² One year later, following Lincoln's election, W. H. F'Anson told Edmund Ruffin of a "cause of apprehension" existing in his part of Virginia:

I allude to the unreliability of the poorer class of non slaveholders. In Nottoway particularly this disaffection is quite extensive. Many, of the class of overseers and the like, do not hesitate to declare that, in the event of civil war or even servile insurrection, they would not lift a finger in defense of the rights of slaveholders. Such sentiments, openly avowed, have occasioned as you may well imagine, no little uneasiness.

He found a bright side to these murmurs of discontent from nonslaveholders, telling Ruffin: "They have compelled property owners, in consulting a common safety, to . . . band together for their mutual protection. Vigilance committees have been organized . . . and more decisive and bolder measures are to be adopted."¹²³ In February 1861, Charles Baring told North Carolina governor John Ellis that "the mass of the labouring class" misunderstood the sectional conflict. "The opinion is too common among them," he lamented, "that they, not being slave holders, have nothing to do with the dispute between the North & South."¹²⁴ Secessionist propaganda was meant to forestall the development of such beliefs among a majority of nonslaveholders.

John Brown's raid on Harper's Ferry and the Republican endorsement of *The Impending Crisis* brought the issue of nonslaveholders' loyalty to the fore late in 1859. Proslavery writers

¹²² November 21, 1859, Diary of John Coles Rutherford, October 17, 1858-September 7, 1863, in Rutherford Family Papers, VHS.

¹²³ W. H. F'Anson to Edmund Ruffin, November 28, 1860, Edmund Ruffin Papers, VHS.

¹²⁴ Charles Baring to John Ellis, February 2, 1861, John Willis Ellis Papers, SHC.

felt obliged to respond to Helper once the Speaker fight drew attention to his arguments. Many southerners claimed that Brown and his colleagues hoped to enlist nonslaveholders, as well as slaves, in the effort to overthrow slavery. In his address to the Virginia legislature, Christopher Memminger averred: "They also expected aid from another element of revolution. They did not believe in the loyalty to the government of Virginia of that part of her population which owned no slaves."¹²⁵ In addition to praising the bondsmen for not joining Brown, proslavery spokesmen lionized the local nonslaveholders who resisted the invasion. A Charlestown newspaper editor published the "confession" of a member of Brown's troop to raise money for one local man. The pamphlet's title read, in part: "For The Benefit Of Samuel C. Young, A Non-Slaveholder, Who Is Permanently Disabled By A Wound Received In Defence Of Southern Institutions." Although he tried to make Young a symbol of nonslaveholders' devotion to slavery, the publisher implied that the loyalty of that class was tenuous. A preface stated: "Mr. Young is a non-slaveholder and a poor man . . . who nevertheless showed an allegiance to the institutions of the South." Young's action, it said, was "worthy of the highest commendation," and "should be rewarded in some public and substantial manner."¹²⁶ Residents of Harper's Ferry petitioned the legislature to make some financial provision for Edward McCabe, a poor man disabled by a wound he received "in gallantly defending the soil of Virginia" against Brown's incursion.¹²⁷ Lawmakers responded by introducing a bill granting McCabe an annual pension of \$96.¹²⁸ The legislature also granted the same annual pension to Samuel C. Young, to George W. Richardson, and to the widow of a man killed at Harper's Ferry.¹²⁹ The payments not only recognized the men's service to Virginia but also to the institution of slavery. Proslavery ideologues cited the failure of Brown's raid as proof

¹²⁵ *Address of the Hon. C. G. Memminger . . . January 19, 1860*, 8.

¹²⁶ *Confession Of John E. Cooke, Brother-In-Law Of Gov. A. P. Willard, Of Indiana, And One Of The Participants In The Harper's Ferry Invasion. Published For The Benefit Of Samuel C. Young, A Non-Slaveholder, Who Is Permanently Disabled By A Wound Received In Defence Of Southern Institutions* (Charlestown, VA: D. Smith Eichelberger, 1859), 3.

¹²⁷ Petition of Citizens of Harpers Ferry, January 12, 1860, in Jefferson County Petitions, LP, LVA.

¹²⁸ HB289, Rough Bills: 12/5/59-4/2/60. General Assembly. House of Delegates RG79, LVA.

¹²⁹ *Virginia Acts, 1859-60*, 655-656.

of the loyalty of slaves and nonslaveholders. In the fall of 1860, the *Charleston Mercury* opened an appeal to nonslaveholders by reminding its readers that “the error of John Brown’s raid,” and “the error of all Northern Abolitionists,” was the belief that “there is an antagonism between the slaveholders and the non slaveholders of the South.”¹³⁰

The propaganda campaign directed at nonslaveholders by secessionist publications and politicians in 1860-61 appeared in virtually every slave state, often just before critical junctures on the electoral calendar, such as the presidential election or the elections for state conventions. In Texas, the *Austin State Gazette*, mouthpiece of the state’s Democratic party, printed several editorials outlining nonslaveholders’ interest in slavery.¹³¹ Nonslaveholders in Kentucky were appealed to by the *Kentucky Statesman* in October and then, in December, by Stephen F. Hale, Alabama’s commissioner to the state.¹³² Alabama nonslaveholders heard from the *Montgomery Mail* just before the fall election and from congressman Jabez L. M. Curry shortly thereafter.¹³³ A speech of Mississippi senator Albert Gallatin Brown appeared in that state’s largest newspaper, the *Jackson Mississippian*, and was reprinted in pamphlet form as a *Letter. . . on The Interest of Non-Slaveholders in the Perpetuation of African Slavery*.¹³⁴ Georgia governor Joseph E. Brown solicited nonslaveholders’ support in a message to the legislature on November 7, 1860, and in a public letter in December.¹³⁵ Secessionists in other states approved of Brown’s public letter and reprinted excerpts, if not the entire document. One month after Alabama’s convention voted to

¹³⁰ “Slaveholders and Non-Slaveholders of the South,” *Charleston Mercury* in *Lancaster Ledger*, November 14, 1860.

¹³¹ “Capital vs. Labor,” *Austin State Gazette*, September 29, 1860; “The Crisis-No. I,” *Austin State Gazette*, October 6, 1860; “Reply of John Marshall,” *Austin State Gazette*, October 20, 1860; “How Black Republicanism will Affect Southern Men of Limited Means,” *Austin State Gazette*, November 17, 1860.

¹³² “An Appeal to Non-Slaveholders,” *Lexington Kentucky Statesman*, October 5, 1860, in Dumond, ed., *Southern Editorials*, 173-175; Smith, *The History and Debates of the Convention of the People of Alabama*, 380-383.

¹³³ *Montgomery Weekly Mail*, October 26, 1860, in Donald E. Reynolds, *Editors Make War: Southern Newspapers in the Secession Crisis* (1966; reprint, Kingsport, TN: Kingsport Press, 1970), 125; Curry, “The Perils and Duty of the South, . . . Speech Delivered in Talladega, Alabama, November 26, 1860,” in Wakelyn, ed., *Southern Pamphlets*, 43-45.

¹³⁴ *Jackson Mississippian*, October 10, 1860, in Rainwater, *Mississippi, Storm Center of Secession, 1856-1861*, 147-148; Wakelyn, ed., *Southern Pamphlets*, 377-378.

¹³⁵ Chandler, ed., *The Confederate Records of the State of Georgia*, 1:55-56; “Letter from Gov. Brown,” *Milledgeville Federal Union*, December 11, 1860.

secede, the Huntsville *Democrat* responded to dissent in the nonslaveholding northern part of the state by printing the portion of Brown's letter addressed to people without slaves.¹³⁶ In North Carolina, one week after voters rejected a convention, the *Salisbury Banner* reprinted the entire letter, saying it discussed "the duty of the citizens of Georgia."¹³⁷ Brown's argument became a favorite of the *Nashville Union and American* in the weeks before Tennessee's February 9, 1861 vote on whether to hold a convention. It printed the entire letter on January 18, then, on February 8, it excerpted the third section, addressed to nonslaveholders, under the headline: "Read! Read! Read!" Introducing the excerpt, the *Union and American* cited efforts to "arouse the prejudices of the non-slaveholders against the institution of slavery." It exclaimed: "Who would have believed that Helperism would so soon have made its appearance in Tennessee! To remove any impression that such incendiary arguments are calculated to make, we ask a candid reading of the following extract." In the same issue the *Union and American* reprinted Brown's entire letter in German.¹³⁸ James DeBow's essay addressed to nonslaveholders, the most famous example of the genre, was printed in many southern publications. It first appeared in the *Union and American* on December 8, 1860, then subsequently in the *Charleston Mercury*, as a pamphlet, and in the pages of *DeBow's Review*.¹³⁹ Tennessee secessionist W. S. Flippin, a candidate for the state convention, demonstrated the manner in which like-minded politicians used DeBow's argument. A circular issued by Flippin before the state election declared, "to the poor men . . . the following valuable truths . . . are submitted," and cited long passages from DeBow's work.¹⁴⁰ Still other Tennessee

¹³⁶ "Extract of a Letter from Gov. Brown, of Geo.—Interest of Poor Men in the Institution of Slavery," Huntsville *Democrat*, February 13, 1861.

¹³⁷ "Letter from Governor Brown of Georgia," *Salisbury Banner*, March 5, 1861.

¹³⁸ "Letter from Gov. Brown of Georgia," *Nashville Union and American*, January 18, 1861; "Read! Read! Read!" *Nashville Union and American*, February 8, 1861.

¹³⁹ "The Non-Slaveholders of the South," *Nashville Union and American*, December 8, 1860; "The Slaveholding and Non-Slaveholding Interests of the South a Unit," *Charleston Mercury*, December 15, 1860; *The Interest in Slavery of the Southern Non-Slaveholder* (Charleston: Evans and Cogswell, 1860); "The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders," *DeBow's Review* 30 (January 1861): 67-77. In the January 1861 issue of his *Review*, DeBow also printed part of John Townsend's *The Doom of Slavery in the Union* as "The Non-Slaveholders of the South," 123-124, giving nonslaveholders a full dose of propaganda at a crucial juncture.

¹⁴⁰ "Circular of W. S. Flippin," *Nashville Union and American*, February 6, 1861.

politicians directed their own arguments to the state's nonslaveholders before the February 9 election. Congressman John V. Wright, state legislators Landon Haynes and R. G. Payne, and Henry S. Foote, formerly Mississippi's U.S. senator and governor, tried to convince Tennessee nonslaveholders to vote and perhaps fight for slavery.¹⁴¹ The *Union and American*, which printed their efforts, also included other articles directed at nonslaveholders.¹⁴² Moreover, it printed two items which explicitly referred to Helper's book and to efforts being made to spark class conflict in Tennessee.¹⁴³ Virginia governor John Letcher devoted part of his January 1861 message to the legislature to arguing that nonslaveholders supported slavery and explaining why they did.¹⁴⁴ The opening of the first session of the Arkansas state convention, on March 4, 1861, coincided with the publication of a pamphlet authored by Albert Pike. Pike, who had been a teacher, lawyer, and newspaper editor in Arkansas, advised residents of the state to join the Confederacy. He claimed there were principles at stake more important than "the interests of slave-owners and the right of emigration into . . . inhospitable territories." The North, he wrote, intended to create a centralized government in which the rights of the states would be marginalized. Because it transcended the rights of one class of property owners, Pike said, the issue "concerns the man who owns no slaves quite as much as the man who owns them."¹⁴⁵ On March 9, Arkansas governor Henry M. Rector submitted a message to the state convention in which he tried to dispel the idea that "the non-slaveholder will be less involved pecuniarily and socially, in the extirpation of this institution

¹⁴¹ "Address of Hon. John V. Wright," *Nashville Union and American*, January 9, 1861; "Substance of a Speech . . . by Landon C. Haynes," *Nashville Union and American*, January 3, 1861; "Remarks of Hon. R. G. Payne," *Nashville Union and American*, January 26, 1861; "Address of the Hon. H. S. Foote," *Nashville Union and American*, January 26, 1861.

¹⁴² "The True Question—The Non-Slaveholder's Interest," *Columbia Herald* in *Nashville Union and American*, January 18, 1861; "A Word to the Working Classes," *Nashville Union and American*, January 27, 1861; "To the Voters of Knox County," *Nashville Union and American*, February 1, 1861.

¹⁴³ "Helperism," *Nashville Union and American*, January 16, 1861; "An Address to the People of Tennessee," *Nashville Union and American*, January 19, 1861.

¹⁴⁴ *Doc. No. 1. Message of the Governor of Virginia, and Accompanying Documents*, xxii-xxiii.

¹⁴⁵ Albert Pike, "State or Province? Bond or Free?" in Wakelyn, ed., *Southern Pamphlets*, 330-331.

than the slaveholder.”¹⁴⁶ These examples illustrate the ubiquity of appeals to nonslaveholders in the months before the outbreak of the Civil War and could undoubtedly be supplemented.

The arguments directed at nonslaveholders varied in emphasis, but a few common themes predominated. Secessionists consistently asserted nonslaveholders’ loyalty and said they raised the issue only because others had suggested that men without slaves had nothing at stake. They tried to minimize slaveholders’ minority status and emphasized the importance of small slave owners. In economic terms, propagandists argued that slavery enhanced the value of all property in the South, elevated the wages of free labor in the region, and allowed social mobility to white men of all classes. Moreover, they warned, if nonslaveholders stood by and saw slave property destroyed, their own property would soon be endangered by the North. The greatest strength of proslavery propagandists was in the social realm; there they exploited racial fear and hatred. Slavery, they contended, put all whites on a level of equality, far above the enslaved blacks. This they contrasted with an alleged Republican desire to impose racial equality, including the most intimate forms of association. Secessionists’ trump card was the claim that nonslaveholders had the most to lose because they would have to remain in an abolitionized South, while the wealthy could flee elsewhere.

Secessionist appeals to nonslaveholders generally argued that members of that class were devoted to the institution. The *Kentucky Statesman* said: “The strongest pro-slavery men . . . are those who do not own one dollar of slave property.”¹⁴⁷ In Texas, the *Austin State Gazette* claimed that people in Texas, “whether they own a slave or not . . . look upon the institution as a part of their social system, inseparable to its existence.”¹⁴⁸ Before Tennessee’s February 1861 election, the *Columbia Herald* concluded an appeal to nonslaveholders by pronouncing them “among the

¹⁴⁶ *Journal of Both Sessions of the Convention of the State of Arkansas, which were begun and held in the capitol, in the city of Little Rock* (Little Rock: Johnson and Yerkes, 1861), 44.

¹⁴⁷ “An Appeal to Non-Slaveholders,” *Lexington Kentucky Statesman*, October 5, 1860, in Dumond, ed., *Southern Editorials*, 175.

¹⁴⁸ “The Crisis-No. I,” *Austin State Gazette*, October 6, 1860.

most devoted friends” of slavery.¹⁴⁹ Such confident assertions ring hollow, for secessionists had limited resources and time and would not have squandered either in preaching to the converted. Propagandists revealed their sensitivity to class-based unionism by describing their appeals as a response to the misrepresentations of northerners and others who asserted that nonslaveholders’ interests were not threatened. James DeBow ended his essay by apologizing to nonslaveholders “for having deigned to notice at all the infamous libels which the common enemies of the South have circulated against them.”¹⁵⁰ In January 1861, Tennessee congressman John V. Wright directed remarks to nonslaveholders, explaining that northern abolitionists argued “that in the South it is the man only who owns slaves who has an interest in this question.”¹⁵¹ In some cases, secessionists were moved to refute the assertions of southern unionists. When he detailed the “Interest of Non-Slaveholders in Slavery” to constituents in November, Alabama congressman Jabez L. M. Curry noted that “unreflecting partisans” had insinuated “that non-slaveholders are not interested in slavery.”¹⁵² He alluded to conservative southerners, supporters of Douglas and Bell, who thought Breckinridge Democrats used the slavery issue to facilitate disunion. During the fall of 1860, Louisiana’s Pierre Soule, a Douglas partisan, delivered speeches in Mississippi asserting, in the words of historian Percy Lee Rainwater, “that non-slaveholders had no interest in the preservation of slavery, and . . . should not vote for Breckinridge.” Soule’s tour induced proslavery Mississippians to ask Senator Albert Gallatin Brown to address nonslaveholders.¹⁵³

Propagandists attempted to minimize slaveholders’ minority status and narrow the gap between the classes. James DeBow wrote that, “to arrive at the actual number of slaveholders,”

¹⁴⁹ “The True Question—The Non-Slaveholder’s Interest,” *Columbia Herald* in *Nashville Union and American*, January 18, 1861.

¹⁵⁰ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 77.

¹⁵¹ “Address of Hon. John V. Wright,” *Nashville Union and American*, January 9, 1861.

¹⁵² Curry, “The Perils and Duty of the South, . . . Speech Delivered in Talladega, Alabama, November 26, 1860,” in Wakelyn, ed., *Southern Pamphlets*, 44.

¹⁵³ Rainwater, *Mississippi, Storm Center of Secession, 1856-1861*, 144-145. The *New Orleans Daily Delta* alluded to Soule, complaining that “the very arguments of Helper’s infamous book have been reproduced in the South” by Breckinridge opponents. Such arguments, it wrote, deprived the slavery issue “of its sectional character . . . reducing it to a question, simply of the maintenance of the peculiar rights of a privileged class.”: “What We Have to Look For,” *New Orleans Daily Delta*, November 1, 1860, in Dumond, ed., *Southern Editorials*, 201-203.

one had to multiply the 347,525 persons listed as slave owners in the 1850 census by the number of individuals “the census showed to a family.” With family members included, the number of slaveholders “swelled to about two millions,” which DeBow calculated to be “one third of the population of the entire South.”¹⁵⁴ His insistence that all members of a slave owner’s immediate family be counted as part of the slaveholding population was reasonable, for those who stood to inherit slave property or lived from its profits certainly had a direct interest in the institution.¹⁵⁵ DeBow emphasized the importance of small holdings, noting that the average slaveholder owned nine, and half owned less than five; facts, he said, which refuted the claim “that the slaveholding class is an organized wealthy aristocracy.” He wrote: “*The poor men of the South are the holders of one to five slaves . . . they represent, in reality, its slaveholding interest.*”¹⁵⁶ DeBow strained credulity with that assertion, for, while most masters owned a small number of slaves, a minority of owners held the lion’s share of the enslaved. In 1850, the owners of more than ten bondsmen, twenty-seven percent of masters, held almost three-quarters of the slave population.¹⁵⁷ Slaves were certainly of great value to small holders, but it was the small fraction of masters owning more than ten bondsmen which defined and advanced the interests of their class. A Tennessee man who called himself a nonslaveholder and “One Raised at the Handles of the Plow,” argued that Southern laborers “are as much or more interested in the question” than slaveholders. He also tried to lower the class barrier, noting that many Tennessee slaveholders held from one to six slaves, “while a few hold them in large numbers.”¹⁵⁸ Like DeBow, the writer downplayed an inconvenient fact, in this case that, in 1850, the twenty-two percent of Tennessee slaveholders

¹⁵⁴ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 67-68. For the same argument, made in 1856, see “Proceedings of the State Agricultural Society,” *South Carolina Agriculturist* 1 (December 1856): 353-354.

¹⁵⁵ Scholars have adopted DeBow’s formulation. In Gray, *History of Agriculture in the Southern United States To 1860*, 1:482, table 7, the author calculated the slaveholding population by multiplying the number of slaveholders by the average family size.

¹⁵⁶ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 68.

¹⁵⁷ Statistics for slaveholders drawn from Bureau of the Census, *Eighth Census, 1860*, vol. 2, *Agriculture* (Washington: 1864), 248. Statistics for slaves taken from Gray, *History of Agriculture*, 1:530, table 10.

¹⁵⁸ “A Word to the Working Classes,” *Nashville Union and American*, January 27, 1861.

who owned more than ten possessed nearly two-thirds of the state's bondsmen.¹⁵⁹ A Georgia master contended that slavery mitigated the extremes of wealth and poverty seen in northern society. "Slavery," he declared, "keeps us all independent, and yet will not let any of us get too rich."¹⁶⁰ Propagandists hoped nonslaveholders would accept the claim that most slave owners were not much better off than they were.

Secessionists claimed that slavery provided ample social mobility for industrious white men. The idea that all southern whites aspired to become masters had long been axiomatic in the region. Discussing nonslaveholders in 1856, the *Richmond Enquirer* said: "The first thing they do when they get money enough, is to buy a negro to assist them in their labor."¹⁶¹ In his account of southern society, Daniel Hundley wrote of the southern yeoman: "His greatest ambition is to make money enough to buy a negro."¹⁶² This aspiration, defenders of slavery maintained, made nonslaveholders firm defenders of bondage. "A slave is the property most coveted by Southern families," asserted the *Shreveport Gazette*, "and if they are not slaveholders already, they look forward to the time when they may become so, and are therefore as much interested in protecting the institution as if they were the possessors of thousands."¹⁶³ Slavery thrived, its proponents said, because it rewarded the enterprising man and correspondingly punished the improvident one. A Georgia newspaper related "what is often seen in our country . . . that the son of the overseer of a plantation . . . is the next year the owner of the plantation . . . and the son of the former owner, is the overseer."¹⁶⁴ A contributor to the *Southern Cultivator* agreed, writing that "nothing . . . can be more striking, than the rapid rise and decline of families in the South."¹⁶⁵ DeBow made this putative social mobility a centerpiece of his argument to nonslaveholders; three of his ten

¹⁵⁹ Statistics for slaveholders drawn from *Eighth Census, 1860*, vol. 2, *Agriculture*, 248. Statistics for slaves taken from Gray, *History of Agriculture*, 1:530, table 10.

¹⁶⁰ "Letters from an Honest Slaveholder to an Honest Abolitionist—No. 12," *New York Journal of Commerce* in *Charleston Daily Courier*, April 6, 1860.

¹⁶¹ *Richmond Semi-Weekly Enquirer*, November 4, 1856.

¹⁶² Hundley, *Social Relations in Our Southern States*, 197-198.

¹⁶³ *Shreveport Gazette* in "Slavery Exemption," *New Orleans Daily Crescent*, February 17, 1857.

¹⁶⁴ "Equality," *Columbus Enquirer*, April 16, 1857.

¹⁶⁵ "A Plain Talk and No 'Buncombe,'" *Southern Cultivator* 18 (February 1861): 44.

“considerations” asserted the ease with which they or their children could buy a slave and enter the master class. “The non-slaveholder,” he wrote, “knows that as soon as his savings will admit, he can become a slaveholder.” This transformative purchase, he contended, “with ordinary frugality, can in general be accomplished in a few years.” Furthermore, lower class whites could realistically aspire to the most exalted status, for “large slaveholders and proprietors of the South begin life in great part as non-slaveholders.” The carelessness of some who inherited vast wealth, and the vicissitudes of agriculture, DeBow said, “were continually breaking up estates,” allowing “men who began life as overseers or city clerks, traders and merchants” to become planters. Should an individual nonslaveholder fail to achieve that success “by honesty and industry, it may be realized to his children.”¹⁶⁶ A social system that so amply rewarded talent and ambition, he said, deserved the support of those who were, for the moment, members of the nonslaveholding class. In making this claim, however, DeBow willfully ignored the fact that the class permeability he described was succumbing to sclerosis during the 1850s. As discussed above, the growing *inability* of nonslaveholders to purchase a slave was a leading cause of proslavery ideologues’ fear of class conflict.

Disunionists addressed a variety of economic arguments to nonslaveholders, warning that the abolition of slavery would have deleterious financial consequences for all southern whites. The main source of income for the region was the sale of staple crops like cotton, rice, and sugar, which, propagandists argued, could only be grown by slaves. John Marshall, editor of the *Austin State Gazette* and the Democratic state chairman of Texas, wrote that when the proceeds from staple crops were interrupted, “every other pursuit in society feels the blight of the paralysis.”¹⁶⁷ The termination of staple crop production, his *Gazette* argued, would ruin the southern economy

¹⁶⁶ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 74-75.

¹⁶⁷ “Reply of John Marshall,” *Austin State Gazette*, October 20, 1860. Information on Marshall from Reynolds, *Editors Make War*, 10.

and prostrate “every branch of white labor.”¹⁶⁸ Arkansas governor Henry M. Rector reminded nonslaveholders that staple crops provided an influx of capital which entered “every section and portion of the State.”¹⁶⁹ Mississippi senator Albert Gallatin Brown told his constituents that slaveholders created markets and transportation systems, provided employment for mechanics, and were the primary customers of merchants. Therefore, he declared, “all have an immediate, positive and PECUNIARY interest in the question” of slavery’s future.¹⁷⁰ Secessionists also characterized abolitionism as a precursor to an assault on all forms of property. Governor Brown of Georgia portrayed the threat to slavery as a doctrine that would “destroy all property, and all protection to life, liberty and happiness.”¹⁷¹ Tennessee legislator Landon Haynes said: “By the principle on which the property of one may be struck down, that of the whole nation may be destroyed.”¹⁷² Congressman John V. Wright of Tennessee was more explicit in attempting to create a fear of property seizure, warning: “The man and the party who would . . . take your neighbor’s slave . . . would, if his purposes of ambition required it, confiscate your house and your land.”¹⁷³ In North Carolina, J. T. Howell described a clear-cut moral choice:

I am a non-slaveholder myself; yet, if I see slaveholders imposed upon, it is my duty to help them. A slave is a man’s property. If I stand by and see one man or a company of men take another’s property by violence, and say nothing, I would be no better than a thief or a robber.¹⁷⁴

Virginia governor John Letcher denied “the inference that the non-slaveholder . . . would not willingly defend the institution,” by asserting that persons owning any property were interested in defending all property. He contended: “Each feels that in protecting the rights and property of the

¹⁶⁸ “How Black Republicanism will Affect Southern Men of Limited Means,” *Austin State Gazette*, November 17, 1860.

¹⁶⁹ *Journal of Both Sessions of the Convention of the State of Arkansas*, 44.

¹⁷⁰ *Jackson Mississippian*, October 10, 1860, in Rainwater, *Mississippi, Storm Center of Secession, 1856-1861*, 145-146. See also “Substance of a Speech . . . by Landon C. Haynes,” *Nashville Union and American*, January 3, 1861, the speech of R. G. Payne in *Nashville Union and American*, January 26, 1861, and “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 75-76.

¹⁷¹ “Letter from Gov. Brown,” *Milledgeville Federal Union*, December 11, 1860.

¹⁷² “Substance of a Speech . . . by Landon C. Haynes,” *Nashville Union and American*, January 3, 1861.

¹⁷³ “Address of Hon. John V. Wright,” *Nashville Union and American*, January 9, 1861.

¹⁷⁴ “Neutrals-Perjury,” *Salisbury Banner*, February 14, 1860.

others, he is securing and protecting his own, whether of little or great value.”¹⁷⁵ By arguing that slavery primed the economic pump of the South and asserting that abolition would endanger all property, these propagandists hoped to instill in nonslaveholders the closest thing to the direct pecuniary interest conferred by the actual ownership of bondsmen. They sought to approximate a feeling of proprietorship which the proponents of slave exemption had failed to make actual.

Proslavery ideologues said the institution preserved the South from the low wages, class antagonism, and unhealthy working conditions they believed inherent to industrial capitalism. In the North, argued a Tennessee newspaper, the conflicting interests of capital and labor depressed wages; but in the South, “the owners of slaves are interested in having the price of labor high,” so that “the interests of the laboring white man, who has no slave, are identical with those of the owner of negroes.”¹⁷⁶ DeBow claimed white laborers in the South received higher wages than their northern counterparts and were not left unemployed for long periods.¹⁷⁷ The *Austin State Gazette* declared that in the North “the white laborer has no breakwater to save him from the grip of the heartless capitalist” and consequently endured “the most painful misery and appalling destitution.”¹⁷⁸ Only slave owners, said Tennessee legislator Landon Haynes, kept white laborers in the South from meeting the same fate. “The slaveholder,” he asserted, was the “*defender of all labor everywhere*, against national banks, factory systems, protective tariffs, [and] soulless . . . corporations, which . . . ever seek to increase their profits at the expense of wages.”¹⁷⁹ Senator Robert M. T. Hunter told constituents “the slave population operates as a safety valve to protect the white laborer against an unreasonable . . . decline in the rate of wages,” and contended that “the average rate of wages of the white laborer of the South” were the highest in the world.¹⁸⁰

¹⁷⁵ *Doc. No. 1. Message of the Governor of Virginia, and Accompanying Documents*, xxii.

¹⁷⁶ “The True Question—The Non-Slaveholder’s Interest,” *Columbia Herald in Nashville Union and American*, January 18, 1861.

¹⁷⁷ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 71.

¹⁷⁸ “Capital vs. Labor,” *Austin State Gazette*, September 29, 1860.

¹⁷⁹ “Substance of a Speech . . . by Landon C. Haynes,” *Nashville Union and American*, January 3, 1861.

¹⁸⁰ Robert M. T. Hunter to “Gentlemen” of Essex County, November 24, 1860, Robert M. T. Hunter Papers, University of Virginia, mfm at VHS. See also Governor Brown in Chandler, ed., *The Confederate Records of the State*

Slavery was also credited with protecting southern white labor from monotonous and unhealthy industrial work. Unlike northern workers, DeBow wrote, southerners were not forced to “find employment in crowded cities, and come into competition in close and sickly workshops and factories, with remorseless and untiring machinery.”¹⁸¹ If slavery were abolished, propagandists warned, nonslaveholders could fall prey to rapacious industrialists and become a dependent proletariat.

The absence of slavery, secessionists maintained, would impose hardship on lower class whites by forcing them to contend with free black laborers. It was a powerful argument, for, as discussed earlier, white mechanics became incensed when faced with the competition of free black and slave workers in southern towns and cities. Disunionists predicted the contest would take place across the South, as millions of freed slaves left the plantations. Economic demands, DeBow argued, led slave owners to use their bondsmen in spheres of labor that did not conflict with nonslaveholders. Poor farmers growing “corn, wheat, bacon, and hogs and horses,” he wrote, faced no competition from slaves, while nonslaveholders were happy to avoid “the cane, cotton, tobacco, and rice fields” in which most slaves worked. Even the complaint of “the poor mechanic . . . in the cities,” of slave competition, DeBow asserted, was being remedied by “the enormous increase of value of slave property,” which “has been exhausting the cities and towns of slave labor.”¹⁸² A South Carolina newspaper, the *Camden Journal*, echoed that claim: “Under the present regime of labor in the South, the vast majority of negro slaves are confined to the plantations; those who are mechanics and laborers are comparatively few.” It predicted a dire future in the Union:

Suppose Abolitionism were to succeed in its designs . . . and four millions of slaves were manumitted . . . whilst thousands of these might be employed . . . on the plantations, how

of Georgia, 1:55-56, and Jabez L. M. Curry, “The Perils and Duty of the South, . . . Speech Delivered in Talladega, Alabama, November 26, 1860,” in Wakelyn, ed., *Southern Pamphlets*, 45.

¹⁸¹ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 72.

¹⁸² *Ibid.*, 69-71.

many would prefer other departments of labor, and . . . place themselves in competition with white men.¹⁸³

Shortly before South Carolina held its convention election, James L. Orr, a former Speaker of the House, told a large public gathering: "If the slaves were free . . . they would in every way come into competition with the white laborer, and would thereby reduce the present prices of labor."¹⁸⁴

A writer to the *Keowee Courier* told its readers: "Any change in . . . negro slavery will tend to degrade the poor laboring white man."¹⁸⁵ In North Carolina, J. A. Dickson argued: "The abolition of slavery would . . . place the negro . . . into competition with the mechanic and the day laborer, placing him on a broad equality with them."¹⁸⁶ Governor Joseph E. Brown dwelled on this point in his December 1860 letter to Georgia voters. The former slaves, he said, would be "miserably poor, with neither land, money nor provisions," and willing to work for a pittance. Employers would "fix the price of labor accordingly," and the poor white laborer "must take it," or be idle. Brown presciently argued that poor whites would be forced to compete with the freedmen as tenant farmers, warning: "If the negro will do the work the cheapest, he must be preferred." He concluded: "It is sickening to contemplate the miseries of our poor white people under these circumstances."¹⁸⁷ By such arguments, secessionists hoped to convince nonslaveholders that their ability to earn a livelihood and maintain their personal dignity rested on the existence of slavery.

During the fall campaign and the secession crisis, nonslaveholders were repeatedly told that the elevated status accorded to all southern whites would be lost in the wreck of abolition. So confident was the *Kentucky Statesman* of the power of this social argument that it declared: "The interest felt by the non-slaveholders of the South in this question is not prompted by dollars

¹⁸³ "Contributorial," *Camden Journal*, November 6, 1860.

¹⁸⁴ "Mass Meeting at Pendleton," *Pickens Courier* in *Greenville Southern Enterprise*, December 6, 1860.

¹⁸⁵ "Correspondence of the Keowee Courier," *Keowee Courier* November 3, 1860. This prefaced an article reprinted from a Democratic Pennsylvania newspaper, which claimed that, wherever the Republican party held power, "you . . . see the negro brought into hated contact and rivalry with white laborers and white mechanics.": "The Land of the White Man," *Pennsylvanian* in *Keowee Courier* November 3, 1860.

¹⁸⁶ "Southern Rights Meeting-Wayne County," anonymous newspaper clipping, December 10, 1860, in "Union Meetings," GA, 1860-61, NCDAH.

¹⁸⁷ "Letter from Gov. Brown," *Milledgeville Federal Union*, December 11, 1860. See also "A Word to the Working Classes," *Nashville Union and American*, January 27, 1861, and "Address of the Hon. H. S. Foote," *Nashville Union and American*, January 29, 1861.

and cents.”¹⁸⁸ Slavery’s champions said the institution placed all whites, rich or poor, on a level with each other, as part of the ruling caste. In the section of his pamphlet dedicated to abolition’s effect “upon the *non-slaveholding* portion of our citizens,” John Townsend focused on the social aspects and ignored economic issues. Slavery, he wrote, consigned the black man to inferiority, as “the poorest non-slaveholder . . . is his superior in the eyes of the law.” Moreover, all whites were peers, and the humblest nonslaveholder, Townsend asserted, “may cast his vote, equally with the largest slaveholder.” He compared this arrangement to the North, where the only means of social distinction was wealth, and the rich despised the poor. Because race determined status in the South, “the poorest non-slaveholder may rejoice with the richest of his brethren . . . in the distinction of his color.” The southern poor white, Townsend concluded, knew this, and would resist any effort “to emancipate the slaves and elevate the negroes to an equality with himself.”¹⁸⁹ DeBow argued that the southern nonslaveholder “preserves the status of the white man, and is not regarded as an inferior or a dependant.” No white man in the South, he said, served “another as a body-servant” and performed “the menial services of his household.” While the “poor white laborer at the North is at the bottom of the social ladder,” DeBow enthused, his counterpart in the South “can look down upon those who are beneath him at an infinite remove!”¹⁹⁰ Asserting that nonslaveholders were the “class . . . benefited most by the institution,” a Georgia slave owner cited the racial caste system. He wrote: “The white man is elevated by the fact that the negro is a slave. The poorest . . . feels within him that he is immeasurably elevated above the whole negro population, and this very consciousness makes him a man.”¹⁹¹ The *Charleston Mercury* claimed that the structure of southern society conformed to the natural differences between the races and that nonslaveholders would fight to preserve it. “Facts are stronger than theories,” the *Mercury*

¹⁸⁸ “An Appeal to Non-Slaveholders,” *Lexington Kentucky Statesman*, October 5, 1860, in Dumond, ed., *Southern Editorials*, 173-175.

¹⁸⁹ Townsend, *The Doom of Slavery in the Union: Its Safety out of It*, 22-23.

¹⁹⁰ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 73-74.

¹⁹¹ “Letters from an Honest Slaveholder to an Honest Abolitionist—No. 12,” *New York Journal of Commerce* in *Charleston Daily Courier*, April 6, 1860.

said, “the white man knows his superiority and disdains the logic which would degrade him to the level of the negro.”¹⁹² Proslavery ideologues could give poor whites little evidence that the institution provided them with economic benefits, and so they emphasized the racial hierarchy.

The abolition of slavery, secessionists predicted, would be the first step in a Republican plan to impose full racial equality in the South. Nine days before North Carolina’s convention vote, the *Salisbury Banner* claimed Republicans would have “the 4 millions of slaves. . . . set free and made our equals, both socially and politically.”¹⁹³ Alabama congressman Jabez L. M. Curry drew attention to “the abhorrent degradation of social and political equality” that would follow abolition in arguing that nonslaveholders “are more interested in the institution than any other portion of the community.”¹⁹⁴ In making this claim, proslavery men took the idea of racial equality to its most inflammatory conclusions. Tennessee representative J. J. Williams told his constituents that the Republican party triumphed “upon the open and avowed doctrine that the negro is the equal of the white man; that the negro ought to vote with the white man, and marry the white man’s daughter or sister.”¹⁹⁵ Governor Brown said: “Many people at the North, say that negroes are our fit associates; that they shall be set free, and remain among us—intermarrying with our children and enjoying equal privileges with us.”¹⁹⁶ Tennessee congressman John V. Wright asked members of an audience if they were willing to “have the negro sit on your juries, represent you in your legislatures and . . . marry your daughters?”¹⁹⁷ Albert Gallatin Brown explicitly described how abolition would impact the nonslaveholder:

The negro will intrude into his presence—insist on being treated as an equal—that he shall go to the white man’s table and the white man to his—that he shall share the white man’s bed, and the white man his—that his son shall marry the white man’s daughter,

¹⁹² “Slaveholders and Non-Slaveholders of the South,” *Charleston Mercury* in *Lancaster Ledger*, November 14, 1860.

¹⁹³ “The Negro,” *Salisbury Banner*, February 19, 1861.

¹⁹⁴ Curry, “The Perils and Duty of the South, . . . Speech Delivered in Talladega, Alabama, November 26, 1860,” in Wakelyn, ed., *Southern Pamphlets*, 45.

¹⁹⁵ “To the People of Hickman County,” in “Broadides 1861,” TSLA.

¹⁹⁶ “Letter from Gov. Brown,” *Milledgeville Federal Union*, December 11, 1860.

¹⁹⁷ “Address of Hon. John V. Wright,” *Nashville Union and American*, January 27, 1861.

and the white man's daughter his son. In short that they shall live on terms of perfect social equality.¹⁹⁸

Secessionists maintained that nonslaveholders would not stand by as the privileges of whiteness were swept aside and the virtue of their women corrupted. On March 1, 1860, in a speech dealing with "the Helper book," South Carolina congressman John D. Ashmore told Republicans: "The hardy farmer or mountaineer. . . . knows that the honor of his wife and daughter would hardly be safe for an hour if these slaves . . . were turned loose." For that reason, "all classes, slaveholders and non-slaveholders, are ready to meet the issue."¹⁹⁹ The *Montgomery Mail* declared: "In the South, we believe that the white man is better than the negro; and the poorest white man would cut the throat of his daughter, before he would marry her to a negro." Depraved Republicans, it warned, planned to "free the negroes and force amalgamation between them and the children of the poor man of the South." Their goal would never be realized, the *Mail* wrote, because "the poor white men of the South . . . will fight to the death, first."²⁰⁰ A writer to the *Carolina Spartan* promised unified resistance to any attempt to level the races: "We will certainly die before our wives and daughters shall be placed on an equality with a negro; and we have not found one poor man who is willing any such thing should exist at the South."²⁰¹ Proslavery ideologues sought to enlist nonslaveholders' support for secession by manipulating their basest fears and hatreds, not by appealing to noble ideals.

The final component of the proslavery argument directed at nonslaveholders involved the claim that they had the most to lose, because the wealthy could leave an abolitionized South, or at least insulate themselves from its worst conditions. This cynical tactic abandoned all pretense of the notion, stated by Governor Brown, that "we all, poor and rich, have a common interest, a

¹⁹⁸ *Jackson Mississippian*, October 10, 1860, in Rainwater, *Mississippi, Storm Center of Secession, 1856-1861*, 147-148.

¹⁹⁹ "Speech of Hon. J. D. Ashmore, of South Carolina," *Keowee Courier*, March 24, 1860.

²⁰⁰ *Montgomery Weekly Mail*, October 26, 1860, in Reynolds, *Editors Make War*, 125.

²⁰¹ *Spartanburg Carolina Spartan*, December 13, 1860. See also William M. McCarty, *A Glance at State Rights; Their Misconstructions, Their Wrongs, and Their Rightful Protections Against the "Irrepressible Conflict."* By *A State Rights Republican* (Richmond: James Woodhouse, 1860), 279.

common destiny.”²⁰² DeBow predicted that if the slaves were emancipated, “slaveholders, in the main, will escape the degrading equality which must result, by emigration . . . while the non-slaveholders . . . would be compelled to remain and endure the degradation.”²⁰³ W. H. Sneed, a secessionist candidate for the Tennessee state convention, told voters that the slave owner “has the ability to transfer those near and dear to him . . . to places of safety.” He emphasized “how different will be the fate of the worthy, honorable poor!”²⁰⁴ The *Austin State Gazette* cautioned Texas nonslaveholders that because rich whites could leave, “the worst effects of emancipation would be entailed upon the poor men of the South.”²⁰⁵ The *Charleston Mercury* developed the point at length, asking: “Suppose . . . the four millions of slaves liberated . . . what becomes of the poorer whites?” It answered: “The rich—the sagacious—will leave the country.—None will remain but those who are unable to leave it, or who do not realize the fearful terrors of their condition.” Those left behind, the *Mercury* said, would face the alternatives of “antagonism” marked by violence and destruction, or, worse in its estimation, “harmony and identification” between the races, leading to “*amalgamation*.” Nonslaveholders should be most worried about this possible future, it concluded, “because they are the people who will be exposed to it.”²⁰⁶ Two men popular with their nonslaveholding constituents, Governor Joseph Brown of Georgia and Mississippi senator Albert Gallatin Brown, warned that wealthy slaveholders might prove recreant. Their arguments were similar to those above but slightly altered by a populist twist. Senator Brown contended that in times of “violent shocks and political revolutions,” the wealthy “are not so much to be relied on as poor men.” He explained, “the rich man . . . feels that if the worst comes to the worst, he can take himself and his family to some place of security,” while the

²⁰² “Letter from Gov. Brown,” *Milledgeville Federal Union*, December 11, 1860.

²⁰³ “The Non-Slaveholders of the South: Their Interest in the Present Sectional Controversy Identical with That of the Slaveholders,” *DeBow’s Review* 30 (January 1861): 76.

²⁰⁴ “To the Voters of Knox County,” *Nashville Union and American*, February 1, 1861.

²⁰⁵ “How Black Republicanism will Affect Southern Men of Limited Means,” *Austin State Gazette*, November 17, 1860.

²⁰⁶ “Slaveholders and Non-Slaveholders of the South,” *Charleston Mercury* in *Lancaster Ledger*, November 14, 1860. See also “Contributorial,” *Camden Journal*, November 6, 1860; *Montgomery Weekly Mail*, October 26, 1860, in Reynolds, *Editors Make War*, 125.

poor man knows that “he cannot.” Brown concluded that slavery’s importance to all Mississippi whites transcended the property interest of one class: “If the slaveholders, through their timidity, will not defend their property that is surely no reason why the non-slaveholder should fold his arms and see his wife and daughters and sons reduced to a condition of social equality with free negroes.”²⁰⁷ After elaborating the manner in which abolition would force poor whites to endure social equality with blacks, Governor Joseph E. Brown told Georgia nonslaveholders: “Wealthy men may cry for peace, and submit to wrong for fear they may lose their money; but the poor, honest laborers of Georgia can never consent to see slavery abolished.”²⁰⁸ While slave owners might have a large financial interest, nonslaveholders’ stake in the continued existence of slavery was said to be far greater because of their vulnerability. Proslavery ideologues essentially told nonslaveholders that they and their families were being held hostage to ensure their support of secession.

The most successful purveyor of secessionist literature, a South Carolina group calling itself the 1860 Association, devoted considerable effort to winning nonslaveholders’ support. Founded by Robert G. Gourdin, a member of the Charleston city council who was elected to the state convention in December, the Association printed more than 166,000 copies of its pamphlets between Lincoln’s election and the end of November. Moreover, its pamphlets were excerpted and reprinted by important journals and newspapers.²⁰⁹ In October, the Association launched its program by soliciting the help of friendly southerners. John Townsend, pamphlet author and a member of the group, wrote South Carolina congressman Milledge Luke Bonham, explaining: “Our mission is, to reason with our fellow citizens in this state, and in the other southern states, through the press, with a view to . . . induce them to contemplate those fearful calamities which are advancing upon them.”²¹⁰ Bonham also received a letter from William Tennant, Jr., which

²⁰⁷ *Jackson Mississippian*, October 10, 1860, in Rainwater, *Mississippi, Storm Center of Secession, 1856-1861*, 147-148.

²⁰⁸ “Letter from Gov. Brown,” *Milledgeville Federal Union*, December 11, 1860.

²⁰⁹ Wakelyn, ed., *Southern Pamphlets on Secession*, xvi-xvii.

²¹⁰ John Townsend to Milledge Luke Bonham, October 10, 1860, Milledge Luke Bonham Papers, SCL.

said the Association planned to publish “pamphlets, that will be calculated to awake men of the South to a consciousness of their perillous position.”²¹¹ Robert Barnwell Rhett, Jr. told Edmund Ruffin that the Association intended to circulate “political documents instructive to the southern people,” and would welcome his support.²¹² Among the pamphlets the Association printed to shape public opinion were John Townsend’s *The Doom of Slavery in the Union*, which directed part of its argument to nonslaveholders, and DeBow’s *The Interest in Slavery of the Southern Non-Slaveholder*. DeBow’s pamphlet originated in a request from Robert Gourdin, a fact which underscores the importance placed upon class-based propaganda by the Association. In an aside to Gourdin at the beginning of his essay, DeBow explained the genesis of that document:

While in Charleston recently I adverted, in conversation with you, to some considerations affecting the question of slavery in its application to the several classes of population at the South, and especially to the non-slaveholding class. . . . At your request, I promised to elaborate and commit to writing the points of that conversation, which I now . . . do.²¹³

Persuading nonslaveholders to support disunion was an important goal of men who were among the most active proponents of secession.

In South Carolina, the first state to leave the Union, secessionists revealed their concerns about nonslaveholders’ loyalty to slavery by orchestrating a manifold propaganda effort during the final months of 1860. Following Lincoln’s election, much of the state’s political leadership directed appeals to nonslaveholders and confidently asserted that group’s support of disunion. On November 8, industrialist William Gregg spoke to an audience composed largely of workers from his Graniteville factory. Gregg directed his remarks “particularly to the laboring people of Graniteville,” saying northerners “believed that if we were left alone . . . the poor men who were

²¹¹ William Tennant, Jr., to Milledge Luke Bonham, October 10, 1860, Milledge Luke Bonham Papers, SCL.

²¹² Robert Barnwell Rhett, Jr., to Edmund Ruffin, October 20, 1860, Edmund Ruffin Papers, VHS. Ruffin seems to have provided the Association with the names of persons who would distribute literature. See W. H. I’Anson to Edmund Ruffin, November 28, 1860, Edmund Ruffin Papers, VHS.

²¹³ “The Non-Slaveholders of the South,” *Nashville Union and American*, December 8, 1860. The pamphlet did not, as Jon Wakelyn writes, originate as a speech in Nashville, for the *Union and American* of December 8, 1860, the first place where the essay appeared in print, identified it in “Letter from Prof. DeBow,” as “a letter to a distinguished citizen of Charleston, S.C.” Gourdin did not ask to “reprint” the essay, as Wakelyn writes, but rather provided the impetus for its formulation. See Wakelyn, ed., *Southern Pamphlets on Secession*, 78 n. 1.

not slaveholders would turn traitors to their country.” He asked: “Was there ever such an error crammed into the minds of a people?” Gregg conflated slaveholders’ private interest with the well-being of the state, telling his employees: “The poor man has as much patriotism . . . as the richest man . . . those in the humblest walks of life are the first to fly to arms in defense of their country.”²¹⁴ John D. Ashmore denied “the assertion that the Mountain Districts were lukewarm in this movement,” claiming the men there were prepared “to uphold the interests and honor of their beloved State.”²¹⁵ The president of South Carolina College, Augustus Baldwin Longstreet, wrote that nonslaveholders would suffer just as much as slave owners in the event of abolition.²¹⁶ Francis W. Pickens, who became governor in December, told an Edgefield audience: “All classes and all vocations are identified with the success of our domestic institution.” He devoted special attention to showing that “the artisan and the mechanic” were interested in preserving slavery.²¹⁷ Speaking to a meeting in Pendleton, James L. Orr declared: “The non-slaveholder . . . [is] more interested in this question than the slaveholder.”²¹⁸ In Yorkville, former senator James Chesnut and Isaac W. Hayne asked nonslaveholders to sustain the cause of secession and offered dire predictions of the state’s future in the Union.²¹⁹ The press in South Carolina enthusiastically joined this concerted effort to ensure nonslaveholders’ allegiance. On the day of the presidential election, the *Camden Journal* printed an article detailing “the effect upon our non-slaveholding citizens” of abolition.²²⁰ A week later, the *Lancaster Ledger* reprinted an editorial from the *Mercury*, explaining why nonslaveholders should protect slavery.²²¹ In December, the *Edgefield Advertiser* printed a Georgia man’s response to the suggestion, by “A Minute Man,” that slave owners sell at least one slave to their nonslaveholding neighbors, to give them a direct interest in

²¹⁴ “Public Meeting at Graniteville,” *Edgefield Advertiser*, November 14, 1860.

²¹⁵ *Charleston Daily Courier*, November 16, 1860.

²¹⁶ “An Appeal to the South. No. V,” *Southern Guardian* in *Yorkville Enquirer*, December 6, 1860.

²¹⁷ “Speech of Hon. F. W. Pickens,” *Edgefield Advertiser*, November 28, 1860.

²¹⁸ “Mass Meeting at Pendleton,” *Pickens Courier* in *Greenville Southern Enterprise*, December 6, 1860.

²¹⁹ “Meeting of the People,” *Yorkville Enquirer*, December 6, 1860.

²²⁰ “Contributorial,” *Camden Journal*, November 6, 1860.

²²¹ “Slaveholders and Non-Slaveholders of the South,” *Charleston Mercury* in *Lancaster Ledger*, November 14, 1860.

slavery. The Georgian wrote: “Your Minute man may be relieved of his apprehensions about non-slave owners, my experience here, is, that they are more reliable than owners.”²²² The *Charleston Mercury* printed DeBow’s essay in December, and the *Keowee Courier* excerpted it in February 1861, six weeks after the state convention voted to secede.²²³ Secessionists in South Carolina and other states portrayed their movement as a spontaneous popular uprising in which the politicians followed the lead of an indignant populace. In fact, secession was carefully orchestrated by a ruling class composed of slaveholders who devoted careful, extensive attention to manipulating the fears and hatreds of the region’s nonslaveholders in order to win their support.

Enduring Concern After Secession

In his opening message to the South Carolina legislature on November 27, 1860, Governor William H. Gist treated the state’s withdrawal from the Union as an accomplished fact. He believed most residents would remain loyal to the state after it seceded but told lawmakers: “A wise precaution can do no harm.” South Carolina, Gist advised, should warn its people that if they oppose secession, “they will be dealt with as traitors and punished accordingly.” In order to do this, he stated, “some legislation may be necessary in more particularly defining treason to the State.”²²⁴ Gist was not alone in expecting robust opposition to disunion from southern whites. Many secessionists continued to worry about class-based dissent after they removed their states from the Union. Their concerns ranged from fears of immediate resistance by nonslaveholders to worries about the long-term demographics of their new nation based on slavery. In order to quell present dissatisfaction, some, like Gist, called for strict punishment of treasonous conduct or seditious language. More accommodating leaders favored an equitable sharing of the financial

²²² *Edgefield Advertiser*, December 19, 1860. The suggestion of “A Minute Man” appeared in “A Proposition to Slaveholders,” *Edgefield Advertiser*, November 28, 1860.

²²³ “The Slaveholding and Non-Slaveholding Interests of the South a Unit,” *Charleston Mercury*, December 15, 1860; “The Non-Slaveholders of the South,” *Keowee Courier*, February 2, 1861.

²²⁴ *South Carolina House Journal*, 1860, 18. As noted in Chapter Six, Gist also recommended, in this message, “a law, punishing summarily and severely, if not with death, any person that circulates incendiary documents, avows himself an abolitionist, or in any way attempts to create insubordination or insurrection among the slaves.”

costs of secession, and, in several states, tried to convince slave owners to agree to change the manner in which slaves were taxed. Proslavery ideologues who looked further into the future called for the diffusion of slave ownership and suggested the need to restrict the entry of white laborers into the Confederacy. For many secessionists, leaving the Union delivered their states from the immediate danger of a Republican president but left them with a large population of nonslaveholders whose present and future support for a slaveholding nation was uncertain.

After the Georgia convention voted to leave the Union, secessionist delegates acted to muzzle class-based dissent and to provide for crushing armed resistance in the state. When the convention nominated men to represent the state in Montgomery, some delegates opposed the candidacy of Augustus Wright, arguing that he “made use of dangerous arguments . . . telling the people that it was a contest between the rich and the poor, and that the non-slaveholder had no interest in it.” One delegate, who ran against him for election to the state convention, declared the charge entirely false, and Wright narrowly won by a vote of 140 to 135.²²⁵ Nevertheless, the attempt to derail Wright’s candidacy demonstrated that the class-based argument imputed to him would not be tolerated under the new regime. Delegate J. L. Singleton proposed the creation of a military force to maintain order within the state. He worried that “the vicious and unprincipled, during the absence of many of the true men . . . in the defence of the State, may be disposed to seize upon such opportunity, to commit wrongs and outrages.” The convention rejected this proposal, out of a desire to minimize the appearance of disunity, but its introduction showed the fear of some delegates that nonslaveholders would run rampant.²²⁶

In the Alabama convention, fire-eating delegate William L. Yancey truculently warned residents of the northern part of the state that any resistance to secession would be crushed. On January 9, 1861, he said that when an ordinance of secession passed, the state would “demand,

²²⁵ *Augusta Daily Chronicle and Sentinel*, January 24, 1861. Wright allegedly used that argument as a candidate for election to the state convention. The Montgomery convention formed the Confederacy in February 1861.

²²⁶ Michael P. Johnson, *Toward a Patriarchal Republic: The Secession of Georgia* (Baton Rouge: Louisiana State University Press, 1977), 133-134.

and secure unlimited and unquestioned obedience.” Yancey threatened dissidents: “Those who shall dare oppose the action of Alabama, when she assumes her independence . . . will become traitors . . . and will be dealt with as such.” Those cautionary words, he explained, “were intended for those in certain portions of the State, where it was said . . . Secession, if passed, would be resisted.”²²⁷ Yancey did not explicitly refer to northern Alabama, but he clearly meant that region, in which nonslaveholders predominated.²²⁸ In October 1860, a Huntsville man told Alabama governor Andrew B. Moore that unionists in northern Alabama argued that “if a state has the right to secede from the union, the several counties have the right to secede from the state.”²²⁹ Moreover, at the state’s convention election on December 24, 1860, northern Alabama voters heavily favored cooperationist delegates, rather than immediate secessionists.²³⁰ After the state convention passed its secession ordinance on January 11, 1861, Yancey’s misgivings about the northern part of the state were justified, as many unionists there remained steadfast.²³¹ Some of the resistance to secession in that region derived from nonslaveholders’ resentment at being forced out of the Union to preserve slavery. Days after the ordinance passed, Thomas M. Peters, a resident of Moulton, in northern Alabama, told Andrew Johnson: “There will be a revulsion, and as the Negro is the sole cause of our present troubles, the fury of the non-slave holder will be turned on him & his master.”²³² In February, the Huntsville *Democrat* attacked the “disreputable means” employed by unionists in the region. It complained that “the most selfish feelings,” and “the prejudices of classes,” among other arguments, were being directed against secession. The newspaper particularly objected to rumors that any armed conflict would be waged only by the

²²⁷ Smith, *The History and Debates of the Convention of the People of Alabama*, 68-69.

²²⁸ Several northern delegates believed Yancey alluded to their part of the state and took him to task.: Smith, *The History and Debates of the Convention of the People of Alabama*, 72, 74, 84.

²²⁹ Septimus D. Cabannis to Governor Moore, October 29, 1860, in Alabama Governor: Andrew Barry Moore, 1857-1861 Administrative Files, ADAH.

²³⁰ Ralph A. Wooster, *The Secession Conventions of the South* (Princeton: Princeton University Press, 1962), 52.

²³¹ For the correspondence of a unionist family in northern Alabama, written in January and February 1861, see Buchanan and McClellan Family Papers, SHC.

²³² Leroy P. Graf and Ralph W. Haskins, eds., *The Papers of Andrew Johnson*, 16 volumes (Knoxville: The University of Tennessee Press, 1976), 4:766.

poor. It wrote: "An insidious, mean effort has been made to instill the idea into the minds of poor men, that, in the event of war, they would have to do all the fighting, and the rich would be exempt."²³³ A week later, the *Democrat* showed its continued uncertainty about nonslaveholders' loyalties by reprinting the section of Governor Brown's letter addressed to that class.²³⁴

The men who engineered the secession of Texas in 1861 were quite apprehensive about unionist attempts to foment class-based resistance to disunion in the state. On March 7, Thomas J. Chambers, chairman of the state convention's Committee on Federal Relations, reported in favor of joining the Confederacy, saying the frontier would thus be protected, and "abolitionism and treason suppressed if it should become necessary."²³⁵ At the end of March the state convention issued an "Address to the People of Texas" to explain its actions. It declared that most former opponents of secession had relented, but noted that "in various parts of the State there are some persons who continue pertinacious in their opposition." These recalcitrants claimed the right to resist secession and were attempting to spark conflict between slaveholders and nonslaveholders. The convention's address stated: "Their platform appeals to the people . . . by encouraging reaction and disorganization . . . to which ends, among other means, it stimulates jealousies and hostilities among various classes of the community." The address warned that further resistance would not be tolerated, and said Texans could either support the state's action or stand against "the constituted authority and the public will of Texas."²³⁶ Once the convention adjourned, the aforementioned Thomas J. Chambers announced his candidacy for governor in an April 6, 1861 speech at Austin. He echoed the convention's address by issuing a stern warning to those who refused to accept secession:

Opposition to the will of the people, when it becomes mischievous, treasonable and dangerous, seeking to excite sectional divisions and dissensions . . . and to array one class against another; the non-slaveholder against the slaveholder; the rich against the poor,

²³³ "Disreputable Misrepresentations," *Huntsville Democrat*, February 6, 1861.

²³⁴ "Extract of a Letter from Gov. Brown, of Geo.—Interest of Poor Men in the Institution of Slavery," *Huntsville Democrat*, February 13, 1861.

²³⁵ *Journal of the Secession Convention of Texas 1861*, edited from the original by Ernest William Winkler (Austin: Austin Printing Co., 1912), 117.

²³⁶ *Ibid.*, 260.

deserves, and will receive, the execrations of all good men, and, when the safety of the State may require it, should be suppressed with a bold and firm hand.²³⁷

Texas secessionists, like their counterparts in Alabama, Georgia, and South Carolina, were not convinced that leaving the Union had eliminated the possibility of class conflict. They worried that unionists could mobilize opposition to secession by capitalizing on some nonslaveholders' animosity toward slave owners.

For more than two months after their state convention passed its secession ordinance on January 26, 1861, planters near Harrisonburg, Louisiana were anxious over growing disaffection among lower-class whites in the area. Several planters worked to establish their own newspaper, in order to counteract the unionism of James G. Taliaferro and the *Harrisonburg Independent*. As a delegate, Taliaferro opposed secession, and when the convention refused to include his protest in its journal, printed it as a broadside.²³⁸ On February 18, Henry I. Peck told St. John R. Liddell that "many Southern Rights Gentlemen in this parish" wanted to set up a newspaper "devoted to the advocacy of our views." Unless that was done, he claimed, "the Independent will continue to misrepresent us and the Know-nothing party will be able to control the Piney woods vote."²³⁹ The pine woods voters were whites living in the ridges, on land of much poorer quality than the river bottoms occupied by planters and their slaves. Two weeks later, L. P. Blocksom complained that the *Independent* "misrepresents the planting interest in our State Convention," and "has thus far successfully arrayed the pine woods population against us." He and other local planters were discussing the creation of a rival weekly, "which shall more faithfully reflect swamp interests, and support the newly established Government of [the] South." These slaveholders were willing to purchase stock, Blocksom told Liddell, so that "we can soon have a journal among us, which no planter need be ashamed to find on his table." The newspaper, he said, would respond to

²³⁷ T. J. Chambers, *To the People of Texas*, (N.p., n.d.), 7.

²³⁸ James G. Taliaferro, "Protest against the act of secession. A broadside," Louisiana Collection, LSU.

²³⁹ Henry I. Peck to St. John R. Liddell, February 18, 1861, Moses and St. John Richardson Liddell Family Papers, LSU.

unionists like “the *Curries*, the *Hawkins*, and the *Taliaferros*,” who, through the *Independent*, had caused “the demoralization of the pine-woods people.” Blocksom described a troublesome situation: “The pine woods people are in a perfect furore of hatred against swampers, brought about by vile appeals to their passions & prejudices.” A form for subscribers, appended to the letter, combined all the elements of proslavery secessionism, calling for “a weekly states rights paper . . . to support the domestic institution of slavery, and the government of ‘The Confederate States of America.’”²⁴⁰ Liddell received updates into April, including optimistic reports on the number of subscribers.²⁴¹ By late April, some residents feared the pine woods men were so alienated that they would turn to violence. Liddell received a letter mentioning a rumor “that a party of one hundred men are made up in the Pine Hills, that they intend to attack Harrisonburg, destroy clerks office rob stores, [and] drive out secessionists.”²⁴² Two weeks after Fort Sumter, as both sides mobilized for war, secessionists at Harrisonburg, Louisiana were preoccupied by the thought of unionist nonslaveholders attacking their town.

At the Mississippi convention, a proposal to change the rate at which slaves were taxed became a contentious issue. On January 18, as delegates considered an ordinance to “provide means” for defending the state, Cyrus B. Baldwin introduced a resolution specifying that the money “be raised by a tax on the negro property, the land, exempting all homesteads [under] . . . 160 acres; and upon all money loaned at interest.”²⁴³ His attempt to make the wealthy pay for a state military elicited criticism from other delegates. James L. Alcorn argued that if the plan were adopted, “slavery would be as safe in the hands of the abolitionists.” He described the proposal as

²⁴⁰ L. P. Blocksom to St. John R. Liddell, March 5, 1861, Moses and St. John Richardson Liddell Family Papers, LSU.

²⁴¹ L. P. Blocksom to St. John R. Liddell, March 20, 1861; Henry I. Peck to St. John R. Liddell, April 14, 1861; J. W. Buhoup to St. John R. Liddell, April 26, 1861; Moses and St. John Richardson Liddell Family Papers, LSU.

²⁴² J. W. Metcalfe to St. John R. Liddell, April 30, 1861, Moses and St. John Richardson Liddell Family Papers, LSU.

²⁴³ J. L. Power, *Proceedings of the Mississippi State Convention, Held January 7th to 26th, A. D. 1861. Including the Ordinances, as Finally Adopted, Important Speeches, and a List of Members, Showing the Postoffice, Profession, Nativity, Politics, Age, Religious Preference, and Social Relations of Each* (Jackson: Power & Cadwallader, 1861), 26. Baldwin represented Chickasaw County.

“agrarian” and said it was “wrong to inculcate the principle that the rich alone are to defray all the expenses of the new government.” R. W. Flournoy criticized the proposal, and echoed the mantra of secessionist propaganda to nonslaveholders: “The great question . . . was not confined alone to the rich. The poor were equally interested.”²⁴⁴ For several days thereafter, other delegates introduced measures, designed, in the words of Alex M. Clayton, to raise the tax on slaves and make it “approach very nearly to the *advalorem* principle adopted in reference to most all other kinds of property.”²⁴⁵ The majority, however, favored the existing tax system and directed the Committee on Ways and Means to draft an ordinance providing for a “tax of 50 per centum on the present State tax,” and the issue of “certificates of loan.”²⁴⁶ While the measure was pending, Joel H. Berry, from Tippah County, in the northeast, asked delegates to respect nonslaveholders’ sensibilities. He implied that a failure to increase the rate of taxation on slaves would create disaffection:

I now ask gentlemen, in all candor, if the conviction should be forced upon the minds of the non-slaveholders of this State that negro property is not to bear as heavy a burthen in providing means for our defence, as land or other property, if it will not sow the seeds of discontent and excite a prejudice against the institution of slavery itself?

Berry said “a large majority” of his constituents were nonslaveholders and claimed they would defend the state from invasion. Those constituents did not want special favors, but “they have a right to demand . . . that every one shall be taxed according to his ability.” He implored delegates not to create internal opposition to slavery while facing an external threat to the institution: “It is a storm *without*, against this species of property, that is the source of all our troubles, and we should be careful to give no just cause of complaint, *within*, against it.”²⁴⁷ Conversely, D. C. Glenn of Harrison County defended the existing tax system and denied that slave property was

²⁴⁴ “Proceedings and Debates of the Mississippi State Convention, of 1861. Reported by J. L. Power,” 33. John Francis Hamtramck Claiborne Papers, SHC. This contains Power’s notes and clippings from the *Jackson Mississippian*, for which he was a reporter; it is used here only when cited material is not in the published version.

²⁴⁵ Power, *Proceedings of the Mississippi State Convention*, 78-79. For other proposals, see *Journal of the [Mississippi] State Convention and Ordinances and Resolutions Adopted in January 1861, With An Appendix* (Jackson: E. Barksdale, 1861), 42-43, 64.

²⁴⁶ *Journal of the [Mississippi] State Convention*, 41-42.

²⁴⁷ Power, *Proceedings of the Mississippi State Convention*, 86-89.

particularly endangered. He enunciated a typical version of the argument which secessionists directed at nonslaveholders:

No especial property was here imperilled, but all property and all right. The law was violated, without which no property can usefully exist. If violated as to one species it is violated as to all. Though aimed at a special point, the whole frame-work of our civil rights must bear the shock.

Slaveholders could not afford to concede this point, for it was the linchpin of their justification for leaving the Union. Glenn said he would vote for “an increase of any per cent upon present rates” of taxation.²⁴⁸ In the end, the convention adopted that course, passing an ordinance levying “an additional special State tax of fifty per centum on the regular State tax.”²⁴⁹ Mississippi slave owners chose ideological consistency over a policy of accommodation toward nonslaveholders by retaining a revenue system that taxed slaves at a lower rate than other forms of property.

In North Carolina, where slave taxation had been an increasingly divisive issue for several years, slave owners tried to placate nonslaveholders by granting concessions after the state left the Union.²⁵⁰ The Opposition party endorsed the ad valorem taxation of slaves in its 1860 platform, making it the leading issue of the state’s 1860 gubernatorial election.²⁵¹ Shortly before his Opposition party adopted the plank, Jonathan Worth, a state senator, contended that a change in the tax system was necessary to prevent class unrest. He wrote:

Policy even more than justice, requires that the constitutional restriction by which slaves are not taxed in proportion to value with land, should be removed. Should slave owners insist upon preserving this feature of our constitution, I think they will array against them a feeling among ourselves, more to be dreaded than Northern Abolitionism.²⁵²

The victory, in August, of incumbent Democrat John W. Ellis temporarily rebuffed proponents of ad valorem taxation, but they renewed their efforts during the secession crisis. Despite the fact that the secession he favored would impose tremendous financial costs on the state, Governor

²⁴⁸ Power, *Proceedings of the Mississippi State Convention*, 90.

²⁴⁹ *Journal of the [Mississippi] State Convention*, 126-127.

²⁵⁰ Butts, “A Challenge to Planter Rule.”

²⁵¹ Butts, “The ‘Irrepressible Conflict,’ : Slave Taxation and North Carolina’s Gubernatorial Election of 1860,” 44-66.

²⁵² Jonathan Worth to George Little, February 20, 1860, Letter Press Book: May, 1859-August, 1860, Jonathan Worth Papers, NCDAH.

Ellis reiterated his opposition to ad valorem taxation in a message to the legislature on November 20, 1860.²⁵³ The Democratic majority agreed, and the legislature did not authorize the proposed state convention to consider any revision of the state constitution, granting it only the authority to consider the “grievances” affecting North Carolina as a member of the Union.²⁵⁴ On February 28, 1861, the scope of its powers became a moot question when voters decided against holding a convention.²⁵⁵ Six weeks later, the Confederate attack on Fort Sumter and Lincoln’s subsequent call for troops revived secessionism, and lawmakers provided for a convention to withdraw the state from the Union. Before the convention met, William B. Gulick, a North Carolina man sojourning in Washington, told Governor Ellis that slave owners should compromise on taxation to ensure nonslaveholders’ support. He wrote of the “idea prevalent here that the non-slave holders who own other property will soon take ground against the secession movement.” Gulick admitted “something of this kind has existed” in Beaufort County, but denied that “it is at all dangerous.” Nevertheless, he advised steps to mollify nonslaveholders: “As the taxes must be increased, I am prepared as an eastern man to consent that slaves shall be taxed ad-valorem . . . if that will give satisfaction.” He was confident that other eastern slaveholders would agree, “if it is required to secure the support of the various sections of our State.”²⁵⁶ Several delegates at the convention agreed on the wisdom of placating nonslaveholders, claiming that a revision of the tax system would contribute to unity at a moment of crisis. The conversion of some eastern slave owners facilitated the convention’s passage of a tax reform ordinance on May 25, 1861.²⁵⁷ North Carolina slaveholders’ willingness to permit ad valorem taxation of slaves, which they had long

²⁵³ *North Carolina House Journal, 1860-61*, 31, 35-36.

²⁵⁴ *Public Laws of the State of North Carolina, Passed by the General Assembly, at its Session of 1860-'61* (Raleigh: John Spelman, 1861), 27-30. For a detailed examination of the legislative session of 1860-61, see Butts, “A Challenge to Planter Rule,” 104-129.

²⁵⁵ Crofts, *Reluctant Confederates*, 152.

²⁵⁶ William B. Gulick to Governor Ellis, May 2, 1861, Governor John W. Ellis, Correspondence: 1861, NCDAH.

²⁵⁷ Butts, “A Challenge to Planter Rule,” 137-145. Butts describes this coalition: “Men who supported ad valorem on principle found themselves allied with men who supported it as a matter of survival. Together they passed the amendment.” Quote on page 145.

argued would destroy the institution, showed their fears of manifest discontent among the state's nonslaveholders.

The exclusion of slave property from ad valorem taxation had also been a source of mounting dissatisfaction among nonslaveholders in Virginia, and slave owners there similarly granted eleventh-hour concessions in an effort to assuage class unrest. Following Lincoln's election, reformers, located mostly in northwestern Virginia, insisted that a state convention must be empowered to propose amendments to the state constitution on taxation. As the legislature debated a convention bill in January 1861, a Morgantown newspaper demanded change in the revenue system. It declared: "Do not tax the *non*-slaveholder of the West unequally to protect slave property, and then whenever he asks for justice, accuse him of being an abolitionist, or tell him to wait for a more favorable opportunity. Now is the appointed time."²⁵⁸ In order to get their secession convention, slaveholders in the legislature realized they also had to give that body the authority, as the convention act provided, to suggest changes to "the organic law of the State."²⁵⁹ The convention opened on February 13, 1861, and western delegates soon pressed their case for tax reform. Echoing the words of Mississippi's Joel Berry, Waitman Willey asked: "While we are engaged in efforts to repel assaults from abroad, would it not be wise on our part to remedy the causes of difficulty and strife at home?"²⁶⁰ Alpheus Haymond argued that the tax issue was "not altogether a sectional question, but a question . . . that affects different classes of people and property-holders." He reminded slave owners of a fact they knew all too well: "A large majority of the people of this Commonwealth are not slaveholders."²⁶¹ Cyrus Hall appealed to the belief of many slave owners, illustrated by the slave exemption proposal, that only financial interest

²⁵⁸ "Western Virginia," *Morgantown Star* in *Wheeling Intelligencer*, January 14, 1861.

²⁵⁹ "An Act to Provide for Electing Members of a Convention, and to Convene the Same. Passed at Richmond, January 14, 1861," *Wheeling Daily Intelligencer*, January 19, 1861. The act further provided that any ordinance passed by the convention had to be submitted to a popular referendum.

²⁶⁰ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 1:765.

²⁶¹ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 2:64. Willey denied that "this measure is sectional," calling it "a question between the non-slaveholding and the slaveholding portions of Virginia.": Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 2:507.

ensured an individual's loyalty to the institution. He attributed eastern suspicion of the northwest to "the fact that we have so little interest in the institution of slavery," and cleverly told slave owners, "the only way you can make me and my people interested in the slave property . . . is by taxing it according to its value."²⁶² Eastern delegates were unmoved, but, on March 18, one of their number proposed a Faustian bargain. Miers W. Fisher told western delegates: "If these gentlemen give me an ordinance of secession . . . they shall have taxation upon slaves."²⁶³ His impolitic suggestion enraged westerners and further alienated them from eastern slave owners.²⁶⁴ Before Fort Sumter, slaveholders were willing only to create a committee to "inquire into the expediency" of amending the constitution to provide for equal taxation of all property.²⁶⁵ The Confederate attack and Lincoln's request for troops revolutionized the state and, on April 17, the convention passed a secession ordinance. Facing imminent conflict, slave owners changed their minds and placed tax reform on the fast track. On April 19, Waitman Willey, chairman of the tax committee, said that "at the instance of Eastern gentlemen, largely interested in slave property," the committee was submitting a taxation ordinance for immediate consideration.²⁶⁶ In the debate on April 26, eastern delegate Jeremiah Morton said "every portion of the Commonwealth should be united," and called upon "Eastern men" to pass the ordinance "as a matter of expediency."²⁶⁷ Later that day, the convention approved the tax ordinance and sent it to a popular referendum along with the secession ordinance.²⁶⁸ For the mostly nonslaveholding residents of northwestern Virginia, however, slave owners' cynical turnabout came too late. They agreed with sentiments

²⁶² Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 3:527.

²⁶³ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 2:10.

²⁶⁴ Morgantown resident Henry Dering told Waitman Willey: "Make no bargain, with the eastern traitors who ask you to sell our Union, for what is our just rights.": H. Dering to Waitman Willey, March 26, 1861, Waitman T. Willey Collection, WVC. Delegate Ephraim B. Hall said Fisher "boldly proposed to buy us.": Ephraim B. Hall to Francis Pierpont, March 18, 1861, Francis H. Pierpont Papers, WVC.

²⁶⁵ *Journal of the Acts and Proceedings of a General Convention of the State of Virginia*, 149-151, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*.

²⁶⁶ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 4:249.

²⁶⁷ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 4:533-534.

²⁶⁸ *Journal of the Acts and Proceedings of a General Convention of the State of Virginia*, 204-205, in Reese, ed., *Journals and Papers of the Virginia State Convention of 1861*, vol. 1, *Journals*. The tax ordinance passed on a vote of 66 to 26.

expressed by delegate Ephraim B. Hall in explaining his opposition to the ordinance: "I came here asking this question as a right, and I do not desire it to be given merely as a plank to bear up those who vote for secession."²⁶⁹ Before the two ordinances were approved on May 23, 1861, residents of the northwest had started the process which resulted in the creation of the separate state of West Virginia.

In the heady days of early 1861, many secessionists, expecting to successfully achieve their independence, recommended steps to prevent the growth of class conflict in a Southern Confederacy. These southerners wanted their new nation to permanently enshrine slaveholders' hegemony by limiting the number of nonslaveholders and their political influence. In Georgia, the *Augusta Dispatch* recommended that "a confederacy be formed alone of States recognizing slavery." Such a nation would be free from "social and commercial antagonisms," for it would comprise elements "of homogenous interest" and "move on without internal jar or jostle."²⁷⁰ In the Mississippi convention, Henry T. Ellett, who had been instrumental in passing that state's slave exemption law, offered a resolution which declared that "hereafter Mississippi ought to confederate only with States having similar domestic institutions to her own." The convention tabled it on a 44 to 32 vote, but a substantial number of delegates shared Ellett's desire to prevent nonslaveholding states from becoming part of a southern nation.²⁷¹ Tennessee senator Andrew Johnson perceived a deeper meaning in the discussion of such proposals by secessionists. In a speech to the Senate, delivered on February 5 and 6, 1861, he asked:

When we have excluded the free States, and we come to make a new government, does not the same argument apply that we must have a government to be controlled and administered by that description of persons among us who are exclusively interested in slaves? If you cannot trust a free State in the confederacy, can you trust a non-slaveholder in a slaveholding State to control the question of slavery?²⁷²

²⁶⁹ Reese, ed., *Proceedings of the Virginia State Convention of 1861*, 4:535.

²⁷⁰ "Southern (Agricultural) Confederacy," *Southern Cultivator* 19 (February 1861): 59.

²⁷¹ Power, *Proceedings of the Mississippi State Convention*, 39-40.

²⁷² Andrew Johnson, "Speech . . . On the State of the Union, Delivered in the Senate of the United States, February 5 & 6, 1861," in Wakelyn, ed., *Southern Pamphlets*, 321. In January, Johnson privately expressed his distrust of secessionists in the deep South, telling a friend: "It is not the free men of the north they are fearing most: but the free men South and now desire to have a go[vern]ment so organized as to put the institution of Slavery beyond the reach or

Johnson, a slave state Democrat, had exposed a primary motivation of secessionists across the South: they did not trust men without slave property and would not permit them to exercise political control. Having seceded, in part, to forestall the development of class-based opposition to slaveholders' control of their states, these ideologues meant to ensure that nonslaveholders would not take power in a southern nation.

A number of secessionists showed their lasting distrust of nonslaveholders by clinging to the dream of bringing all white southerners into the master class. After the Louisiana convention voted to secede, a state resident advised it to exempt some slave property from liability for debt. He used the familiar argument that the exemption would "diffuse the institution . . . and augment the number of those . . . to defend it by voting, as well as fighting."²⁷³ One week later, a Georgia slaveholder recommended exempting one slave from debt, to encourage nonslaveholders to buy slaves.²⁷⁴ Others advised the Confederacy to increase the slaveholding population by reopening the African slave trade. Several of the state conventions debated this point, in order to instruct their delegates to the Montgomery convention. Georgia delegate E. W. Chastain believed "every man, woman and child in the Southern States should own a slave," and to achieve that goal, he said "the best plan . . . was to open the African slave trade."²⁷⁵ Georgia's convention, however, adopted an ordinance retaining the prohibition of the slave trade on January 23.²⁷⁶ Alabama delegate G. T. Yelverton echoed the class-based indictment of slave trade opponents issued by men like John Mitchel during the 1850s. "With some who have as many negroes as they want and are rich by the high price of their property," he declared, "it is urged that more and cheaper

vote of the nonslave holder at the ballot box.": Andrew Johnson to Sam Milligan, January 13, 1861, in Graf and Haskins, eds., *The Papers of Andrew Johnson*, 4:160.

²⁷³ "To the Convention and the Legislature," *New Orleans Daily Picayune*, February 1, 1861.

²⁷⁴ Johnson, *Toward a Patriarchal Republic*, 130-131.

²⁷⁵ *Augusta Daily Chronicle and Sentinel*, January 24, 1861.

²⁷⁶ *Journal of the Public and Secret Proceedings of the Convention of the People of Georgia, Held in Milledgeville and Savannah in 1861, Together with the Ordinances Adopted* (Milledgeville: Boughton, Nisbet & Barnes), 59-60.

negroes . . . might lessen their estates in value.” Alluding to the potential conflict looming before the state, Yelverton argued that nonslaveholders might want the trade reopened:

The larger proportion of our people who aid in bearing the burdens, both in war and peace, may take different views. . . . They are not as able to purchase—many, not able to purchase at all on account of the prices being too high . . . if they do not desire that other cheap slave markets may be opened at this time . . . they would doubtless prefer . . . the privilege *to have them opened hereafter*.

He compared the cheap sale of public lands to reopening the trade, contending that the increased ability to own property made better citizens of the people so elevated. Persons “who, before, were houseless and uncomfortable” were induced by the sale of public lands “to be industrious and economical.” Once homeowners, he continued, “these people feel a new pride, and take an additional interest in all that concerns the general welfare of the country.” Like supporters of the slave exemption, Yelverton predicted that ownership of slave property, facilitated by reopening the slave trade, would work the same transformation upon nonslaveholders. He said: “This class of citizens could soon save money enough to go into the slave market; and becoming slaveholders, would thus have an actual pecuniary interest in slavery.”²⁷⁷ A second Alabama delegate, J. F. Dowdell, agreed that the South should not preclude reopening the trade at some point. He worried that northern white workers, who were inherently untrustworthy on slavery, would fill the void unless African slaves were imported to perform labor. Dowdell said: “I do not desire to see the causes in operation to reproduce ‘the irrepressible conflict’ in our borders, to avoid evils of which, it became necessary to dissolve the old Government.” He predicted northern white laborers would enter the South “to secure . . . the high wages which must continue to rule here,” if the slave trade remained closed. Dowdell made it clear that his desire to preserve slavery trumped his commitment to democracy. “I hope it may never come, at the South,” he said, “when safety to the institution of slavery shall require social or political inequality to be established among white people.” He implied that the safety of slavery might someday require such inequality and that he

²⁷⁷ Smith, *The History and Debates of the Convention of the People of Alabama*, 232-233.

would support it, even though he found it distasteful. By reopening the trade, Dowdell said, the South would avoid that choice and have workers “consistent with our present labor system.”²⁷⁸ A majority disagreed, and the Alabama convention instructed its delegates to Montgomery to “insist on . . . such restrictions as will prevent the reopening of the African Slave Trade.”²⁷⁹ In keeping with the wishes of its constituent members at Montgomery, the Confederacy incorporated a prohibition against reopening the slave trade in its constitution.

The Confederacy’s prohibition of the African slave trade caused Leonidas W. Spratt, the foremost champion of reopening, to send a protest to Louisiana delegate John W. Perkins. In his letter, which was printed in several publications, Spratt maintained that the new nation must be a slaveholders’ republic and insisted that reopening the slave trade was indispensable to the proper balance of its society. The “real contest” between North and South, he wrote, was “between the two forms of society,” democracy and slavery, which defined the two sections. By seceding, the South had temporarily escaped the conflict with democracy, but, unless it showed the courage of its convictions and reopened the trade, the contest would recur within the Confederacy. Spratt warned that “another revolution may be necessary” to ensure the dominance and perpetuity of slavery. “This contest between democracy and slavery is not yet over,” he argued, for “both forms of society exist within the limits of the Southern States.” Spratt described nonslaveholders as an anomaly in, and dangerous to, a slave society: “They are unfixed in the social compound. Without legitimate connection with the slave, they are in competition with him. They constitute not a part of slave society, but a democratic society.” Unless all southern whites were brought into the “legitimate” connection with slaves, as owners, the irrepressible conflict would develop within the Confederacy.²⁸⁰

²⁷⁸ Ibid., 255-256.

²⁷⁹ Ibid., 265.

²⁸⁰ “Slave Trade in the Southern Congress,” *Charleston Mercury*, February 13, 1861.

Spratt described his native South Carolina as the closest approximation to the ideal slave owners' republic. He lauded the manner in which the state attenuated the voice of the people:

The officers of the State are slave-owners, and the representatives of slave-owners. . . . There is no appeal to the mass, for there is no mass to appeal to . . . governors are not dragged before the people; and when there is cause to act upon the fortunes of our social institution, there is perhaps an unusual readiness to meet it.

In short, slaveholders in South Carolina dominated the state government and used it to further their class interest without having to consult the wishes of the one-half of the white population who were nonslaveholders. Even there, however, Spratt warned, "the process of disintegration has commenced." In the larger towns, "laborers from abroad" were replacing slaves transferred to more lucrative staple crop production. The white laborer, he said, resented competition from the slave and sought to eliminate it: "Already there is the disposition to exclude him; from the trades, from public works, from drays, and the tables of hotels he is even now excluded to a great extent."²⁸¹ Spratt understated the point, for urban white laborers in South Carolina and the other slave states had been complaining about competition from slaves and free blacks for decades before 1861.²⁸² Like Dowdell in Alabama, he expected an influx of white labor from the North, a development which would intensify class conflict in the cities. Spratt predicted: "They will still more increase the tendency to exclusion; they will question the rights of masters to employ their slaves in any works that they may wish for; they will invoke the aid of legislation; they will use the elective franchise to that end." The end result could be that "Charleston, at the very heart of slavery, may become a fortress of democratic power against it." If that could happen in South Carolina, Spratt implied, no slave state was immune from class conflict. He concluded that the prohibition of the slave trade doomed the slaveholders' republic at its inception, and called for another secession: "Slavery cannot share a government with democracy—it cannot bear a brand upon it; thence another revolution. It may be painful, but we must make it."²⁸³ Spratt, a delegate

²⁸¹ "Slave Trade in the Southern Congress," *Charleston Mercury*, February 13, 1861.

²⁸² See Chapter One for a summary.

²⁸³ "Slave Trade in the Southern Congress," *Charleston Mercury*, February 13, 1861.

to South Carolina's secession convention and a man who enjoyed the confidence of his peers, as evidenced by his appointment as the state's commissioner to Florida, believed slaveholders could not share power with nonslaveholders.

When it reprinted Spratt's letter, the Washington *National Intelligencer* cited his political attainments as evidence that he spoke "with authority in expounding the purport and bearing of the civil revolution to which he has so largely contributed."²⁸⁴ In protesting the Confederacy's prohibition of the slave trade, Spratt did indeed speak for the political leadership of his state. At Montgomery, South Carolina delegates tried to put the slave trade under the control of Congress and they joined Florida's delegation in voting against the prohibition in the constitution. When the South Carolina convention debated the Confederate Constitution, opponents focused on the slave trade prohibition and delayed ratification until April 3, 1861. Even then, the convention resolved to call for a constitutional convention that would take up the slave trade, among other issues, once the Confederacy established its independence.²⁸⁵ The state which led ten other slave states out of the Union remained preoccupied by the threat of a potentially assertive, class-conscious nonslaveholding population well after it seceded. South Carolina's dogged support for reopening the slave trade was consistent with other manifestations of its fear of disloyalty among nonslaveholders. In 1856, Governor Adams called for exempting slaves from debt as a means of increasing slave-owning across the South, and, in 1860-61, the state legislature considered a bill which would have prohibited the expression of ideas calculated to create disaffection between slaveholders and nonslaveholders. South Carolina was impelled to leave the Union, to a large degree, by the fear of its ruling class that nonslaveholders would eventually turn against slavery.

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In 1860-61 secessionists consistently maintained that a Republican president could fatally undermine slavery by observing the letter of the Constitution and fomenting class division within

²⁸⁴ "The Philosophy of Secession," Washington *National Intelligencer*, February 19, 1861.

²⁸⁵ Sinha, *The Counterrevolution of Slavery*, 184-185.

the South. Lincoln, they predicted, would neither invade the slave states nor commit any “overt act” that would unite southerners against his administration. Instead, disunionists argued, Lincoln would employ influence and persuasion in conducting a protracted campaign against slavery in the South. The most formidable weapons at his disposal in this scenario were federal patronage and the free-soil ideology. By appointing nonslaveholders to office and disseminating antislavery ideas in the South, secessionists claimed, Lincoln could destroy regional unity and set slavery on a course toward ultimate abolition. Proslavery ideologues did not want an open debate on slavery and they argued that Republican efforts to win the support of white southerners would violate the spirit of the Constitution. During the secession crisis, many southerners asked that restrictions on executive patronage and the national censorship of antislavery thought be a part of any sectional compromise. Secessionists underscored their distrust of nonslaveholders by directing propaganda at members of that class. Across the South, leading politicians and newspapers insistently told nonslaveholders that their interests necessitated their support of slavery and disunion. Even after removing their states from the Union, proslavery ideologues continued to worry about potential class conflict. They discussed measures to compel the support of dissidents and demonstrated a particular sensitivity to unionists’ employment of class-based rhetoric. For many proslavery men, secession was the first step in ensuring that slave owners would continue to dominate the South. Worried that Lincoln’s election signified the beginning of the end of slaveholders’ hegemony in the South, proslavery ideologues agitated for secession, in large part, to prevent nonslaveholders from being exposed to the free-soil ideology which had gained preeminence in the North. They succeeded because a considerable segment of the southern population shared their doubts about nonslaveholders’ devotion to slavery.

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